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Letters of Members of the Continental Congress

EDITED BY
EDMUND C. BURNETT

VOLUME IV

January 1 to December 31, 1779



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J. FRANKLIN JAMESON, EDITOR

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PREFACE.

Of the materials in this volume, drawn, as in the case of previous volumes in this series, from many sources, not more than one-fourth has heretofore been printed. This is a marked increase in the proportion of new material as compared with the preceding volume, wherein the two categories of printed and unprinted materials were about equal in quantity. One of the most considerable contributions of new material in the present volume is the Diary of John Fell, whose notes though brief are often illuminating. Some part of the Diary was included in the preceding volume, for it begins with Fell's departure from home, November 29, 1778, to take his seat in Congress. It ends, so far as is now known, with November 30, 1779, when the thin volume in which the notes are recorded had been filled to the very end of the last leaf. It is believed that Fell must have continued his Diary in a new volume, for he remained in Congress a year longer; but if that volume exists, unfortunately its whereabouts are unknown. As during the year and a half preceding, Henry Laurens continues through the greater part of the year 1779 to bring much grist to our mill, both letters and memoranda, the former often salty, the latter usually peppery. One notable series of contributions from his pen from November 1, 1777, to December 9, 1778, namely, his letters as President of Congress, are missed in this volume. John Jay, who succeeded him in the chair, was seldom disposed to let his pen roam far from the rigid limits of official requirements and was besides more apt than was Laurens to keep his counsel. Accordingly letters from the President's Letter-Book are neither so numerous nor so informing as hitherto. As James Lovell compared the two: "The Manners of the Men differ. One was flush of Pen and Ink, the other quite the Reverse; one was with his Candle burning in the Morning almost thro the year, the other has a lovely Wife to amuse him in these Hours." Samuel Huntington, who succeeded Jay in the presidency at the end of September, although not quite so conservative of pen and ink as was Jay, was himself by no means given to large revelations concerning discussions in Congress.

From the custodians of the several repositories whence these materials are derived the Department has continued to be the recipient of the most courteous consideration and every desired assistance. To all of these the editor would once again extend the cordial thanks both of himself and of the Department. Among those to whom obligations for courtesies extended have not heretofore been acknowledged, it is particularly desired to thank the Rosenbach Company of Philadelphia for a number of photostat copies of documents in their possession, and Mr. Cyrus H. McCormick

of Chicago for a photostat copy of the valuable letter of Charles Carroll of Carrollton of May 31, 1779. It is a pleasure to record that the sympathetic co-operation which the late Mr. Stan. V. Henkels at all times so abundantly accorded to this undertaking has been continued in the same generous spirit by his son, Mr. Stan. V. Henkels, jr., and to him, as to his lamented father, we would offer our most grateful appreciation.

During the period covered by this volume, the year 1779, Congress was occupied with a multitude of matters, some of them for a large part of its time during the whole or nearly the whole of the year, others occasionally and for briefer periods. Some of the problems that engrossed that body were of vital importance; other questions—and the space which they occupy in the Journals is large in the total—were of a minor sort that might more properly have been relegated to committees or to one or another of the executive boards, but which Congress had not yet quite learned to separate from its own immediate control. In the survey of the activities of Congress which follows it has not been deemed needful to do more than to endeavor to bring into clearer view some of the more important subjects that came under consideration during the year and to give a measure of sequence to the proceedings upon them.

With the ratification by New Jersey of the Articles of Confederation at the end of November, 1778, there was hope that the consummation of the Confederation was close at hand. There had been little doubt of Delaware's accession, and agreeably to this expectation Congress was informed on February 8 that that state had authorized her delegates to subscribe to the Articles. But hopes of Maryland's early accession had already all but vanished; for on January 6 the Maryland delegates laid before Congress a declaration of the assembly of their state, adopted in the preceding December, refusing to join the Confederation unless the conditions stipulated should be complied with. Instructions to the delegates were adopted at the same time, but these instructions were not presented to Congress until the following May.

Meanwhile there had been discussion, both in Congress and in some of the states, whether to effect a confederation without Maryland, if need be, a movement in which Virginia took the lead, her assembly adopting, December 19, 1778, instructions to her delegates to propose to Congress that a confederation be formed with less than all thirteen, premising nevertheless that the other states should be given an opportunity to join the confederation later. It was not however until May 20, 1779, that these instructions were laid before Congress and the Virginia delegates put upon record their readiness to enter into a binding union with any one or more states. On the very next day the Maryland delegates brought forth their instructions, which had been adopted as long before as December 15. It was an "intemperate paper", wrote the Virginia delegates to Speaker Harrison, May 22, and one of them, William Fleming, writing

to Jefferson the same day, went so far as to pronounce it "a very extraordinary, indecent performance". "It is of the utmost consequence", Fleming declared, "that the confederation be speedily ratified. It would in a great degree give force and energy to the proceedings of Congress, and defeat the hope our enemy entertains of dividing us."

No sooner had the Maryland delegates produced their instructions, which seemed to give the death-blow to a confederation of all thirteen states, than the Connecticut delegates, in turn, laid before Congress instructions similar to those of Virginia, but containing the explicit provision that Maryland should not be excluded. It was a game in which Maryland was playing a lone hand. If other states should follow the lead of Virginia and Connecticut, Maryland would be left out in the cold. One other state, North Carolina, appears to have taken (October 28-29) a step similar to that of Virginia, as witness the representation of Thomas Burke to the assembly, October 31, 1779; but for the time being it was essentially a contest between Maryland and Virginia, for it was chiefly the vast claim of her neighbor, Virginia, that loomed always before the Maryland eye.

Thus matters stood for several months, without a further move on the one side or the other. Meanwhile an expression emanating from Congress may be noted which puts forth a striking view of the whole subject. When Congress was struggling with the financial problem in September, it was felt to be necessary to quiet certain doubts that had arisen as to both the ability and the will of the United States to meet its obligations. Accordingly the virile pen of President Jay was designated to draft a circular letter to the public. Jay's proposed letter was laid before Congress September 13 and was "twice read and unanimously agreed to". Touching the question "whether the United States have put themselves in a political capacity to redeem their bills", the letter says, "For every purpose essential to the defence of these states in the progress of the present war, and necessary to the attainment of the objects of it, these states now are as fully, legally, and absolutely confederated as it is possible for them to be", and points to the credentials of delegates in 1774, 1775, and 1776, and to the Declaration of Independence, which "did, in the name of the people of the thirteen United Colonies, . . . 'mutually pledge to each other their LIVES and FORTUNES and their SACRED HONOR'. Was ever confederation more formal, more solemn, more explicit? It has been expressly assented to and ratified by every state in the union."

It was rather a matter of course that during the year 1779 some further endeavors should be made in Congress to put the executive business on a better basis, but unfortunately the results were scarcely commensurate with the efforts. The principal attempts at reform in the great central departments were in the treasury and the marine. Late in 1778 the former department had been reorganized, but still left under the general control of a committee of Congress. The duties of the several officers were set

forth in great detail, but at the end of March, 1779, the committee on the treasury reported that the plan was quite unworkable, and in a further report some three weeks later it affirmed positively that "the public business cannot be conducted under the present arrangement of the treasury". The auditor (John Gibson) declared among other things that "the machine is so clogged, as to defeat in a great measure the intention of having the public accounts speedily settled", and he pointed out other defects not less serious, as calculated to defeat the main purpose of the measure. Accordingly the committee on the treasury offered, April 21, a new plan of organization, and July 30 the "Ordinance for establishing a Board of Treasury, and the proper officers for managing the finances of these United States" was adopted. In its general form the plan followed the model of the Board of War; that is, the new Board of Treasury was to consist of three commissioners not members of Congress and two members. The actual management of the treasury was therefore to be conducted by others than members, but, as was the case with the Board of War, Congress aimed to keep the treasury department quite well within reach of its eye, its finger, and its foot.

The adoption of the ordinance was, however, only the beginning. The election of the officers, determination of their salaries, etc., loitered through the next four months. Then, as the plan was tried out, defects were revealed, which required more tinkering; but, with minor modifications, Congress managed to get along with it for nearly two years, although it was to be subjected to not a little strain from storms and whirlwinds.

Almost simultaneously the marine department underwent a similar change. The marine committee appears to have exhibited more glaringly and more often the essential defects of the system than other such committees, for the reason that any sort of administration of that business required at least a modicum of marine knowledge, and quite often Congress had few or no members who possessed that knowledge. Moreover, the very constitution of the committee, being composed of a member from each state, made it not only cumbersome but exceedingly fluctuating.

On June 9 it was resolved, "that the management of all business relative to the marine of these United States be vested in commissioners", and a committee was appointed to prepare a plan. If this committee made any progress toward the preparation of the plan, it is not recorded in the Journals. On October 1, upon representation of the marine committee, the committee of June 9 was discharged and the marine committee itself was instructed to prepare a plan of organization. The plan offered by the marine committee, which was adopted October 28, provided for a Board of Admiralty similar in constitution to the boards of War and Treasury; that is, it was to consist of three commissioners not members of Congress and two members. It is noticeable that, while Congress specified with sufficient clearness the powers, duties, etc., of the Board of Admiralty, the

act was not encumbered with such a multitude of detailed requirements and prohibitions as in the case of the treasury department. There was however one limitation which does not appear in any of the other board constitutions, that is, "that there shall not be more than one member of the said Board at any time belonging to the same State". In addition it appears to have been agreed informally that the three outside commissioners should be apportioned among the eastern, middle, and southern sections of the Union. Of the outside commissioners Thomas Waring of South Carolina and William Whipple of New Hampshire were elected November 26, and Francis Lewis of New York December 7. Whipple and Waring both declined, and their places were not filled; consequently the Board of Admiralty which actually functioned was composed of two members of Congress (when the two happened to be present) and Francis Lewis. Thus the matter rested until February, 1781, when all the great departments were reorganized.

There was probably never a war in which serious abuses in the business of supplying the army did not prevail, and the war of the American Revolution was no exception. The reform of these abuses was seldom absent from the congressional programme, but the Continental Congress never at any time proved itself very adept in the art of tight cooperage. It might stop the leaks at the spigot, but there were always cunning individuals about who knew how to pull the stopper from the bung-hole, and it not infrequently happened that the elaborate efforts to prevent leaks were chiefly effectual in making it difficult to get anything at all into the barrel.

A specific movement toward reform was initiated early in the year by the appointment, January 25, of a committee of five to report upon the question of remedying abuses in the several public departments, but, as so often happened, the committee does not appear to have done anything. There was already a committee, appointed November 10, 1778, on the commissary and quartermaster's departments, and when the functions of committees overlapped, as was not an infrequent occurrence, action was likely to take the form of preferring one another in honor. A further impetus to action was however furnished by the treasury committee, which, in March and April, pointed out that the alarming expenses of the different departments were in great measure due to the practice of rewarding purchasing agents by commissions on purchases, and recommended a thorough reformation of those establishments. Accordingly on May 28 a committee was appointed to make a strict inquiry into the expenses of the departments, boards, etc., and another committee to report a plan for putting these establishments on a different footing.

The work of these two committees appears to have gone on *pari passu* (it is not always easy to distinguish the two), the one making investigations, and apparently now and then recommending measures of reform,

the other preparing a general plan of reform. On July 9 the states were earnestly requested to inquire into the abuses of purchasing officers within their bounds and to prosecute offenders, and on July 23 an elaborate plan for regulating and retrenching expenses of the departments was brought in. The plan provided, in fact, for practically every detail of the entire business of supplies. As an evidence that Congress meant to study the plan carefully, sixty copies of the report were ordered printed. Whether the plan was carefully studied or not, it does not appear to have been taken up for consideration until about three months later, when it was discussed on two successive days (October 18 and 19) in the committee of the whole, which, however, came to "no resolution thereon". It next appears in the Journals December 4, when it is passed over to a different committee. The new committee did not make a report until January 20, 1780, and then this great project of reform took the curious course of being referred to three commissioners, one of whom at least was to be a member of Congress. Thus, almost exactly one year from the time when the first steps were taken toward the reform, the whole elaborate programme was thrown overboard. It needs only to be added that the declination of General Schuyler to accept appointment as one of the commissioners resulted in turning the matter over to a committee of Congress in conjunction with one outside commissioner, Timothy Pickering, a member of the Board of War.

On December 18, 1778, Congress directed General Washington to come to Philadelphia, when he could be absent from the army for a few days, for a consultation with Congress. On the 22d Washington came, had an audience with Congress on the 24th, and a committee, consisting of Duane, Root, Smith, Morris, and Laurens, was thereupon appointed to confer with him. If anyone is desirous of knowing the impressions which were driven in upon Washington's mind during the first few days of his sojourn at the seat of Congress, it is only necessary to turn to his letter of December 30 to Benjamin Harrison.

The "Minutes of heads of matters requiring attention", which were drawn up by Washington and formed the basis of conference with the committee, and the letters which from time to time he wrote to the committee, constitute a carefully reasoned survey not only of the military situation considered from the point of view of the commander-in-chief and the army but of the military problems as related to those of finance, administration, and political conditions.

The first important outcome of these conferences in Philadelphia was a recommendation not to undertake at this time the "emancipation" of Canada, a project which had been debated from many angles during the later months of 1778. The decision of Washington and the committee was

agreed to in Congress on the first day of January, and a letter directed to be written to Lafayette setting forth the principal reasons for the decision.

In a letter to the committee of conference January 15 Washington discussed at some length three possible plans of campaign: one, an offensive campaign against the enemy; another, undertaking an expedition against Niagara; and a third, remaining entirely on the defensive. He reasoned upon the possible and probable results of these plans respectively, estimated the numbers of men required by each, and discussed the problems of obtaining them and subsisting them.

Whatever might be the plan of campaign fixed upon, the problem of filling the ranks of the army and keeping them filled was an acute one. The subject of recruiting was therefore among the first problems to be attacked, and two modes were suggested by Washington. One was to enlist for the period of the war all men now in the army, encouraging them by means of large bounties; the other was a draft, such as he had suggested the winter before. If the general principles of the campaign were to be offensive, he said, the two modes must be united; if defensive, the former would answer. In view of the large state bounties then offered, which, by their inequality, interference, and competition, had already done great harm to the recruiting service, the general advocated a large Continental bounty only in case the state bounties could be abolished.

On the 23d of January Congress adopted a measure drawn largely in accordance with Washington's suggestions. To each soldier who would voluntarily re-enlist "during the war" a bounty was offered "according to the circumstances of his present engagement, but not to exceed in any case 200 dollars", and to each new recruit who would enlist in any of the Continental battalions for the period of the war "such a bounty as the Commander in Chief shall judge proper", but likewise not to exceed two hundred dollars. To recruiting officers were offered smaller bounties. The committee proposed that the states be recommended to abolish their bounties, but Congress rejected this proposal. The plan, as it turned out, chiefly because of the continuance of these state bounties, did not work well, and on March 9 it was resolved to offer a straight bounty of two hundred dollars to each recruit enlisting for the duration of the war, and, in case a state had granted as great or greater bounty, to credit such sum to the state.

Among the problems that had been under consideration were the general arrangement of the army, and some lesser though important questions of rank, promotion, etc., but the main decision was not reached until March 9, when it was resolved "that the infantry of these United States for the next campaign be composed of eighty battalions", apportioned among the states in definite numbers, from fifteen assigned to Massachusetts down to one each assigned to Delaware and Georgia. At the same time the

provision with regard to the bounty was altered, as already mentioned, and the states were earnestly requested to complete their respective battalions to their full complement "by draughts, or in any other manner they shall think proper", and to have their quotas of troops ready to take the field without delay. In the meantime Washington had returned to the army at the end of January, and on February 4 he had been directed to proceed "in such manner as he shall judge expedient to complete the arrangement of the army, and to settle the relative rank of officers under the degree of brigadier".

Another proposal of Washington was a renewal of his recommendation of half-pay for life to officers, a subject which had stirred Congress to its muddy depths the year before, resulting in a compromise establishment of half-pay for seven years. This proposal Washington now elaborated in a letter to the committee, January 20. The hopes of a speedy termination of the war, he said, with which the officers had been inspired by the French alliance, by the expectation that some adequate measures for their relief would be taken, and by other causes, had now disappeared, and they were again acutely realizing their condition. He nevertheless cautioned the committee that unless it should appear clear that Congress would approve of the measure it would be best not to agitate the matter at all; for to raise expectations only to disappoint them would be but to make bad matters worse. "It is a point", he remarked, "in which their feelings are much engaged, and these ought not to be awakened if they are not to be gratified."

The committee doubtless was convinced that a half-pay measure would be defeated at this time, and the correctness of that view is evidenced by the fate of a motion, May 24, made by Gouverneur Morris and William Carmichael, which obtained only the votes of those two members. On the 12th of June, however, a memorial from a group of officers was presented which quickly stirred Congress to action. The committee of conference was instructed by a unanimous vote to report "speedily" what further provision should be made for the officers. Whatever interpretation the committee put upon the word "speedily", it was not until July 14 that it brought in a report, but the first recommendation in the report was half-pay for life. In the midst of the discussion Dickinson and Drayton, strangely enough, threw in a motion to collect a strong body of militia from the states to join General Washington, adding the extraordinary provision that "Congress immediately adjourn to the place where the Army shall be, and that the members shall respectively join the Militia, and act with them in such important operations as shall be judged most expedient for advancing the welfare of these States". "This", said Laurens, "shews more valour in those Gentlemen than of the wisdom and reflection of grave Senators, but who can restrain the ardor of fighting Men when an opportunity offers?"

The report was taken into consideration July 30, again August 11, and then was debated almost daily for a week. "I believe", Lovell wrote on the 17th, "we shall be able to combat Half pay *for Life*, only by an Exchange of that Motion for a Recommendation to the states to do justice by Half pay for Life *or* such other Provision as they may find adequate to the Intentions of the first Motion which are to keep the army together, some of whom do, what I call, *menace* the Continent, making a stalking Horse of their *real* Sufferings." There was much manoeuvring by the two parties to the question, but the opponents to half-pay prevailed and on the 17th carried their recommendations to the states, while on the 18th some increases of salary to the officers were voted. Some states complied with the recommendation of Congress and passed laws extending the half-pay for life to their own officers, but those officers who held their commissions from Congress could not hope to benefit thereby, and there were many also who did not benefit by the provisions of the act of Congress of August 18. Accordingly Congress presently began to be bombarded with memorials from such officers, and a report (drawn by Philip Schuyler) was offered December 1 proposing suitable provision for such, including half-pay for life; but the measure was once more allowed to fall by the wayside.

It may properly be recorded here that, in spite of past failures to secure this provision for the officers, Washington once more essayed the task in the following summer (August 20, 1780) and reiterated his argument some two months later (October 11), and so great was the urgency that ten days afterward (October 21, 1780) Congress adopted the measure for which the Commander-in-Chief had been appealing for three years.

During the whole of the spring and summer Congress was so deeply engrossed in serious problems pertaining to its finances and its foreign relations, and was itself so rent and torn by faction and personal quarrels, that but a modicum of attention could be gained for matters pertaining to the army; but the committee of conference continued in a way its activities, and Washington continued to do his utmost to put the army into the best shape possible with the means and materials given him; for recommendations and requisitions, though several times repeated, now as always failed to create an army capable of being made into an effective fighting machine. "Our army as it now stands", Washington wrote in May, "is but little more than the skeleton of an army". As for the committee, on July 26 Congress called upon it for an account of its proceedings, and that account, under the date of August 16, will be found in this volume.

As the end of the year approached, and the end of "the present campaign" also, Washington thought it meet once more to lay before Congress the precise condition of the army and to begin forming plans for the next

campaign. This he undertook to do in a letter to Congress November 18, and Congress was much occupied with that letter during most of what remained of the year.

The specific plan which he now offered for filling the eternally depleted and depleting ranks of the army was once more to urge, as he had done in February, 1778, and again in January, 1779, the adoption of the draft, but in a modified form. The essential feature of his proposal at this time was, "that each state be informed by Congress annually of the *real deficiency* of its troops, and called upon to make it up, or such less number as Congress may think proper, by draft; that the men drafted join the army by the first of January, and serve till the first of January in the succeeding year". In addition he proposed that the officers of the states from which the troops came be directed to endeavor, so soon as the drafts joined the army, to enlist them for the period of the war. The outcome, after a month of discussion, was a resolve, "That for the ensuing campaign, the several states be required to furnish, by draughts or otherwise, on or before the first day of February next, the deficiencies of their respective quotas of 80 battalions of infantry, as apportioned by a resolution of Congress of the 9 March, 1779". The words "or otherwise" were probably not intended as a "joker", but were no doubt considered a necessary alternative to sovereign states.

As pointed out in the preceding volume, Congress devoted the last hours of the last day of 1778 to bringing to essential completeness the financial measure upon which it had been laboring for a good many months, and upon which some members at least based large hopes. "If the different legislatures heartily support the arrangement proposed by Congress", wrote James Duane, who, as chairman of the Treasury Board, had had an active hand in preparing the measure, "I flatter myself the public credit will be restored." William Whipple also hoped that "the remedies now applied will be something more than palliatives". On the other hand, Duane's colleague William Floyd, who had only taken his seat in Congress on January 2, confided to Governor Clinton that he had great doubts of its good effects. Henry Laurens was another who evidently had serious doubts concerning the measure. "Time will prove its efficacy", he wrote to one correspondent; and then he added, "Oeconomy, Taxation and Open Ports would prove infallible".

A carefully prepared preamble, giving an explanation of the underlying reasons for the measure and the purposes which it aimed to accomplish, was prefixed to the resolves, but not content with that, Congress further instructed the Board of Treasury to prepare a circular letter to the states to accompany them. This "Address to the People on the Currency", which was adopted January 13 and sent out over the signature of the President the next day, vigorously defends the issue of bills of credit and places much of the blame, much but not all, for their depreciation on the

enemy, who had not hesitated to counterfeit them and disperse them throughout the United States. To raise the value of paper money and to redeem it could not, Congress was persuaded, be difficult; nor would it be impracticable to check and defeat the pernicious currency of counterfeits.

Alas for these flourishing hopes of the first few days of the new year! In a much shorter time than it took Congress to frame its measures these same measures proved themselves utterly inadequate. Indeed it may be questioned whether the people at large were greatly inspired by the address or had greater faith in the measure than had some of the members of Congress who were inclined to poke fun at this claim as a subterfuge and having but little weight in the actual decision. No later than the end of March the Treasury Board came forward with a clear acknowledgment "that in the opinion of this Committee, it will be impracticable to carry on the war by paper emissions at the present enormous expences of the Commissary General and Quartermaster General's Departments". Accordingly the board, besides again recommending the reduction of the quantity of paper emissions, addressed itself to three principal recommendations: to institute reforms in the conduct of the departments such as would bring about economy; to make loan office certificates more desirable; and to negotiate a foreign loan. Some three weeks later the board offered a series of propositions, reiterating its contention that the calling in of the old emissions would offer but little relief, and even asserting that the tax of fifteen millions would not produce "very essential effects". "The emission of new money is therefore our principal source, and it must keep pace with the expenditures."

So serious did the committee on the treasury regard the situation that it recommended devoting the entire afternoons of three days in the week to the consideration of finance until the problems were settled. But by an overwhelming majority Congress resolved to devote only one day each week to finance. By the middle of May however a change had come over the mood of Congress, and a resolution was adopted to devote, not three half days, but three whole days to finance to the exclusion of all other business, unless by unanimous consent, "till a decision is obtained thereon".

One of the treasury's propositions was to call on the states for quotas of money in addition to the fifteen millions already called for, and on May 21 the figures were fixed at forty-five millions. Indicative of the mood with which many members of Congress viewed the proposition is a sarcastic remark of Henry Laurens at one point during the discussion, that they might occupy an interval of time before adjournment in "giving away a few Millions under the Report of the Board of Treasury".

The resort to taxation, even "deep taxation", as some members called it, had long been advocated by many members; but it was realized that the states would accept taxation only with great reluctance. A carefully

prepared address to the states was therefore quite essential. Several members tried their hands at the task, but it was the pen of John Dickinson that drew the letter which was accepted, although some of Dickinson's most fervid passages were deleted in Congress. The letter, which was adopted May 26, is essentially an explanation and defense of the call for additional taxation, but it includes some very frank speaking to the states as well as an eloquent appeal to them—and, as originally written, it extends to nearly nine closely printed pages. The letter closes with a long exhortation, beginning: "Rouse yourselves, therefore, that this campaign may finish the great work you have so nobly carried on for several years past. What nation ever engaged in such a contest under such complication of disadvantages, so soon surmounted many of them, and in so short a period of time had so certain a prospect of a speedy and happy conclusion?" But there were pleas of a very practical kind: "Fill up your battalions . . . place your several quotas in the continental treasury; lend money for public uses; sink the emissions of your respective states; provide effectually for expediting the conveyance of supplies for your armies and fleets, and for your allies . . . and may you be approved before Almighty God worthy of those blessings we devoutly wish you to enjoy." Charles Carroll of Carrollton, who presently saw the address (he was not at the time a member of Congress), wrote to one of the Maryland delegates: "It is well drawn but I think it comes too late by six months."

Whipple declared, "the prevailing Opinion is that nothing will do but (I was going to say) *excessive* Taxes, but I will soften the epithet and adopt the words *very high* . . . this is a bold Political stroke, and I hope will be carried into effect, as to all appearances nothing else can save us from destruction". But the greatest difficulty, he added, was levying it on the proper persons. "If the whole sum", he said, "could be drawn from those speculating miscreants, who have been sucking the Blood of their country, it would be a most happy circumstance."

"A Stoppage of the press once effected", said Ellery (May 25), "our liberties are established and an end is put to the war. Our enemy's whole dependence now rests upon our being crushed with the weight of Rheams of deprettiated paper money. Once remove that ground of Hope and they will offer us, as proud and haughty as they may be, honorable terms of peace." But few members were as hopeful as Ellery. Most of them tacked heavy doubts to such hopes as they had, and gradually opinion veered around, though reluctantly, to a foreign loan.

Meanwhile demands for money to carry on the war were pressing. On one occasion it was even necessary to borrow 500 guineas in hard money for the use of General Washington for secret services, and the Board of Treasury was instructed to promise both principal and interest in hard money "as soon as the treasury shall be supplied with a sufficient sum". As early as January 23 the treasury office had proposed borrowing

40,000,000 dollars on loan office certificates and continued to press the adoption of the measure, elaborating the plan with a view to overcoming obstacles hitherto encountered. Now (May 28), immediately after despatching to the states the proposition for additional taxation, a committee was appointed to report upon the question of a foreign loan. At nearly the same time the question of a domestic loan was again taken up, and on June 11 it was resolved to borrow 20,000,000 dollars on loan office certificates, "on probable temptations", Lovell expressed it, and by the end of the month the measure was completed.

May and June were hectic months in Congressional finance, and numerous propositions, from different members, were offered and debated. Meanwhile the great devourers of the money, the commissary and quartermaster's departments, were under investigation and efforts made to reform these and other boards. By this time there were but few members, if any, who did not know that something further must be done, for depreciation continued to race downward and prices to rush upward.

In Philadelphia a self-constituted committee set about the task of regulating prices. "Speculation here", wrote Daniel of St. Thomas Jenifer (May 24), "has arrived to such a height, and prices in three weeks increased 100 per Ct. This has made those Vermins the Speculators become the object of resentment, and a Mob has assembled to regulate prices. What will be the issue God knows." "This City", wrote Gouverneur Morris about the same time (May 30), "is now the scene of politics high and low. I may add it is the scene of faction anarchy and distraction. . . . A storm is gathering and will burst upon the heads of our enemies, perhaps of our own. Would to God that the desire of that great luxury to be free was the great desire of my countrymen, but other luxuries more alluring have influenced but too much upon their conduct. The torrent of *paper money* hath swept away with it much of our morals and impaired the national industry to a degree truly alarming." "The inundation of money", wrote Richard Henry Lee (June 9), "appears to have overflowed virtue, and I fear will bury the liberty of America in the same grave. . . . The demon of avarice, extortion, and fortune-making seizes all ranks." "If there is not virtue enough in the people to support the credit of the money", declared Whipple, "there can be but little dependence on their virtue to support the army without money."

It was a matter of course that discussions of the money problem would not be limited to the halls of Congress, but that contributions to the newspapers would swell the stream of agitation and even offer confident prescriptions of remedies, and that these, whether accepted or rejected, would have their reactions upon Congress. As far back as March one writer, signing himself "A Customer", offered through the *Pennsylvania Packet* "a speech which OUGHT to be spoken in Congress" upon the subject of the Continental money, wherein he proposed as a remedy for the evils that

existed the negotiation of a foreign loan. On July 3 another writer, styling himself "Leonidas", proposed a "SPEECH which *ought* to be spoken *to* the Congress" upon the same subject. "Leonidas" was indeed somewhat bolder than "A Customer" had been, and by that time the nerves of Congress had become a bit more raw. Leonidas also urged the making of loans both domestic and foreign and making them speedily, and above all the stopping of the press. Finally he exhorted them: "Rouse then, Gentlemen, to a sense of the danger of these infant States that are committed to your care. Let us read something more than the 'Yeas' and 'Nays', and questions for recommitting and postponing business in your journals. Your money—your money—demands every thought and every hour. . . . I conjure you therefore immediately to bind yourselves to each other by an oath, not to eat, drink or sleep till you have arrested your money in its progress towards destruction, and fixed it upon a permanent foundation." Elbridge Gerry demanded that the printer be haled before Congress and required to reveal the name of the writer. But other members were of a different mind. Meriwether Smith thought the speech contained several good things, and declaimed, "When the liberty of the press shall be restrained, take my word for it, the liberties of the people will be at an end". "Gentlemen talk", said John Penn, "of imprisoning the Printer or the Author. I will undertake to say, if you have the power, which I doubt, and were to imprison them for six months, they would come out greater Men than they went in", and he pointed to the case of John Wilkes. The flurry accordingly passed, the printer was not called before the bar of Congress, and the name of the author remained concealed.

Whether it was the arguments of "Leonidas" and others outside the Congressional group that wrought the change, there was at all events a growing conviction that only loans could save the day, and faith in the success of domestic loans had grown fainter and fainter. It was as a last resort therefore that Congress began to think more positively of a loan from abroad as the only possible solution of its difficulties. Gerry's wrath against "Leonidas" must have subsided, for it was none other than Gerry himself who shortly afterward (July 23) brought forward some financial propositions of his own, the most important of which called for making a foreign loan, but for anticipating the loan by drawing bills of exchange on the commissioners at Paris. Congress was not yet, however, ready for such a measure until another plan had been tried.

What Congress proposed first to try is set forth in a resolution (September 3) not to emit bills of credit in excess of 200,000,000 dollars, a resolution, wrote President Huntington, "which they mean to abide by at all Events". This resolution was presently braced by one of the most elaborate addresses to the people which Congress at any time transmitted. It was prepared by John Jay in his best manner. One aspect of the letter, touching the question of confederation, has already been alluded to. It

not only puts the best possible face on the conduct of finances by Congress, but makes an eloquent appeal to the people of the country. At the same time it was decided to look to the states for supplies through taxes and loans, and a new committee was appointed to devise a plan. This committee reported (September 13) a measure of which the principal feature was a requisition upon the states for additional quotas to the amount of 15,000,000 dollars monthly during the continuance of the war, payments to begin February 1, 1780. The plan as adopted October 6 (the quotas were fixed October 7) carried these main features and in addition included a provision to charge the states with interest on deficiencies.

The address to the states which accompanied the latest financial measure was prepared by Elbridge Gerry and was very brief. It chiefly besought the states to be punctual in the payment of their respective quotas, "on which their public credit, the existence of their army, and the support of their liberties so greatly depend", and Congress doubted not, so the letter avers, "that the operation of the taxes and other salutary measures in the course of the year will reduce the price of articles, and enable them to lessen the quotas required". But there was also an inspiring promise: "Congress, on their part, will endeavour to observe the strictest economy in the expenditures."

Upon the whole, the delegates earnestly besought their respective states to raise their taxes and pay their quotas promptly, but sounded at the same time notes of great pessimism. "I would pour out my earnest Supplications", wrote Gouverneur Morris, "by speedy vigorous and repeated Taxation to strike at the Root of a Disease which may prove dangerous if not fatal." "*Quere*: will it be paid?", wrote Cornelius Harnett to Thomas Burke. "I believe not. The consequences, you must know, will be distressing indeed." "Taxation", said Armstrong, writing to Washington, "altho' the radical means of appreciation as well as of the payment of public debt, is a remedy too remote for our support, the disease has ran too long to be overtaken by any common cure." He presumed that "some new push will be made for a foreign loan". "Will the chapter of Accidents again relieve us?", Laurens wrote to Governor Trumbull just before the measure had been adopted. "God only knows." October 19 he again wrote to Trumbull, and with the resolve of October 6 in mind he exclaimed: "Alas! alas! we are threatned with an empty Treasury before the 1st day of December. Vigorous and virtuous exertions of the citizens of these States, immediately put into action, must so far heal the wound given by rash, bad policy as to save us from a violent convulsion. Your Excellency has before this day seen the plan of ways and means; the medicine is rather rude, but if it be taken in time and in chearful spirits it may produce much relief, but cannot perform a radical cure. . . . It will however afford us a little time for breathing and recollection, and will stimulate the States to look a little more narrowly into things which concern

their temporal salvation." Somewhat earlier he had said, "when the burthens of Taxes fall heavily upon them [the people], they will open their Eyes and enquire—and then—but here I draw the veil".

As early as July 5, in a letter to Governor Livingston, Laurens had not merely voiced his lack of confidence in the ability and wisdom of Congress to solve the great problem of successfully financing the war, but had offered a concrete proposal as a first essential step toward that goal for which the whole weary country was yearning, a proposal more radical and more original than any that had yet been proposed. "Upon a serious and full review of our public affairs", he said, "I am led to believe that the call of a grand council composed of men renowned for Integrity and Abilities from each state assisted by the Commander-in-Chief and a few selected General Officers to take under their consideration the state of the nation, to sit either in or out of Congress (in the latter case to call upon Congress for every necessary information) would have 'a happy effect.'" "Lord thou knowest whereof we are made!", he exclaimed, and added: "If this Sketch for reformation shall not meet your Excellency's judgment, order us out of this sink of idleness and dissipation or order our doors to be opened that our Masters may discover what we leave undone."

Writing to John Adams in the beginning of October, he once more broached the idea of a "grand council". "While we are decorating our fabric", he said, "we are censurably careless of the foundation. Censure, if it ever comes, will not light wholly on those whom the pious Duffield calls 'the great council of these States' . . . We are at this moment on the brink of a precipice, and what I have long dreaded and often intimated to my friends, seems to be breaking forth—a convulsion among the people"—and he pointed to the "Fort Wilson" riot of the day before; "but what shall we do by and by, and not far distant, for quieting a hungry and naked army? Shall we call forth a grand convention in aid of the great council? This may become absolutely necessary."

Shortly after this (October 21) Congress resolved to despatch Laurens to Holland to negotiate a loan. It might have seemed, then, that Laurens himself was to be the chosen instrument of the salvation so earnestly sought; and yet, as that gentleman did not until many months afterward depart on his mission, the decision might have seemed to amount to no more than a gesture. But even a gesture, whether in war, politics, or finance, may oftentimes be made an effective means of salvation; and Congress, as will be seen, endeavored to make use of this one.

This does not quite end the story of Congressional finance for the year 1779, but the remainder of it may more appropriately be told in later pages of this introduction, which deal with the struggles of Congress during the last weeks of the year, when disaster from every direction was threatening to engulf them and they knew not which way to turn for help nor whither to flee for refuge. We shall be the better able to understand

those conditions if we shall follow Congress through another series of its trials and tribulations, its efforts to bring order out of the chaos of its foreign affairs.

The advent of the year 1779 found the foreign affairs of the country in a most deplorable state. The pot had some time before been hung and the fire had been kindled, all ready for the witches' dance, even before Deane's public address of December 5, and when that publication was flung into the cauldron it was soon seething and boiling and hissing. For following Deane came other figures, masked and shrouded, who cast their reptilian ingredients into the reeking mess. From the sober Journals of Congress one obtains but a faint glimmering of what was actually taking place within the chamber where that body pondered, debated, disputed, and voted, but from other sources we may often derive a fair notion of what was going on behind those doors which were supposed to be so firmly closed. We may learn that those debates were animated, even heated; that there were speeches both fervent and fiery; that there were verbal passages at arms, even other passages that were not limited to words. A Congressional Record for the period would be both entertaining and instructive.

But it was not inside the Congress hall alone that the contest between Silas Deane and Arthur Lee was waged; outside those doors the battle raged quite as hotly as indoors. Not only was Congress itself divided into two hostile camps, but outside Deane had his champions and Lee his cohorts, and these, armed with ink and goose-quills, and screening their identities behind names derived from classic lore, came to tilt in the pages of the Philadelphia papers, chiefly the *Pennsylvania Packet* and the *Pennsylvania Gazette*. The chief antagonist of Deane was Thomas Paine, who for the most part used the pen-name "Common Sense", while Deane had numerous defenders first and last, although few of them were able to withstand for long the skillful thrusts of the redoubtable Thomas. Paine however presently overshot the mark and brought down upon his head the wrath both of the French minister and of Congress. Nevertheless it is not to be forgotten that the question stirred by Paine, whether certain goods were or were not a present from the French government, remained to vex and perplex the Continental Congress during the remainder of its natural life and even long years after its demise to annoy its heirs and assigns.

The storm that broke over Deane's head became the signal for Congress to look more narrowly into the conduct of its affairs abroad, and particularly to take stock of its representatives there. Accordingly, on January 20, a committee consisting of one from each state was appointed to make an investigation of the whole business. On March 24 the committee brought in its report, which contained some startling revelations, startling at least to any members who may not already have become informed. But what was of primary importance was the solemn announcement that, "in the

course of this Committee's examination and enquiry they find many complaints against the said Commissioners"; that "suspicions and animosities highly prejudicial to the honor and interests of these United States" have arisen among them; and the committee recommended "that the appointments of the said Commissioners be vacated, and that new appointments be made".

The committee then offered a definite schedule of charges against each, with citations of documentary evidence in support of those charges. To take one of the least important items in this report, it was charged against the Hon. R. Izard that, "not being able to proceed to the Court of Tuscany in consequence of his appointment", he had remained at Paris, and that the greater part of his time had been spent "in altercations with Mr. Franklin, and writing letters to Congress replete with criminations of Mr. Franklin and Mr. Deane. *Evidence*: Mr. Izard's letters." There was small hesitancy in reaching a decision (June 8) to recall both Izard and William Lee, and it is significant that John Fell's brief record opposite the names of these two was, "no use". In the case of Arthur Lee, who was the actual centre of the whirlwind, the contest between the Lee and Deane factions grew exceeding warm, and that mysterious writer who signed his lucubrations "O Tempora! O Mores!" declared that it was only the swift night ride of Messrs. Witherspoon and Scudder that prevented his recall in April.

As it was the friends of Arthur Lee who had put Deane on the gridiron and were pursuing him with froth and fury, it was inevitable that Lee himself should in time be brought to book for whatever faults and failures might attach to him. The most vital of all the questions concerning him was whether he had the confidence of the French court. In the midst of a debate upon the question about the middle of April one of Lee's staunchest friends, Samuel Adams, boldly asserted that he had it upon the best authority—no less an authority, it turned out to be, than the French minister himself—that Arthur Lee did have the complete confidence of the French court. This was but to throw down the gage of battle. Several other members of Congress at once sought to draw from Gérard a definite commitment upon the subject; and Gérard, thus thrust into a corner, could scarcely do otherwise than to tell the truth, although he endeavored to make it as little offensive as possible.

Among those who obtained expressions from Gérard were William Paca and William Henry Drayton, two of the anti-Lee faction, whose information, which they laid upon the Congress table, came near to demolishing whatever may have remained of the temple of concord. Messrs. Burke and Nelson had also obtained an interview, which strongly corroborated the information of Paca and Drayton. Henry Laurens had more than one conversation with Gérard, but he placed a different interpretation upon the minister's explanations. "Mr. Lee . . . was put into the Court

Alembick, what came forth? a jealous troublesome, but honest Man." With Paca and Drayton Gérard had been particularly frank and had even quoted an expression of Vergennes: "Je crains M. Lee et ses entours", a statement that was much tossed about during the next few months, and variously interpreted. But the Paca-Drayton information gave the cause of Dr. Arthur Lee as minister of these United States abroad an impetus downward from which it was never able to recover.

An immediate result of the Paca-Drayton information was that Gérard became *persona non grata* to the Lee faction, and so long as he remained in the country he was the object of gibes and sneers from members of that coterie. What was of real importance was that this hostility was carried over into the discussion of the peace terms and became an important contributing factor in retarding the decision of Congress.

If space permitted it would be a fruitful theme to trace the growth of parties during this year 1779, to which the Deane-Lee imbroglio contributed so powerfully. For certain it is that that long-drawn-out controversy not only generated numerous personal antagonisms, but drove such a cleaving wedge between groups in Congress that the cleft remained, views continued to diverge, attitudes refused to harmonize, interests persisted in being irreconcilable, and all this until a time when Deane and Lee had all but been forgotten. Concerning the personal antagonisms engendered or fostered during the period under consideration, several of which have exhibits in these pages, it is only necessary to point out that they were often potent factors in the determination of important problems, and that even the nicknames for certain members of Congress which were bandied about among those of the opposite party, although some of them may be set down as in lighter vein, yet for the most part are indicative of persistent states of mind and afford striking evidence of party as well as personal antagonism.

Parallel to this protracted wrangle over the personnel of the foreign service was another series of debates upon problems of greater moment, nothing less, in fact, than the terms on which the country should be willing to make peace. In the beginning of December, Gérard had brought to the attention of Congress the importance of putting its house in order against the day coming when negotiations for peace must begin. He was particularly concerned with intimations spread abroad that the United States planned to negotiate with Great Britain apart from France. When, having received no response, he again brought the matter up early in January, 1779, he obtained from Congress the declaration "that as neither France or these United States may of right, so these United States will not conclude either truce or peace with the common enemy, without the formal consent of their ally first obtained", with the further declaration that any and all insinuations to the contrary "tend to the injury and dishonor of the said states".

During the early days of February there were "long debates", as Fell frequently recorded, over the rather vexing question of what aid, if any, should be sent to Georgia and South Carolina, and what assistance, if any, in that enterprise might be obtained from the Comte d'Estaing, for there were several angles to the problem, involving, for one thing, the interpretation of the treaty of alliance; but in the end Congress decided to withdraw the proposed application to D'Estaing for aid, one of the moving causes no doubt being the recent repulse of the admiral in the West Indies.

From one of these discussions, February 6, Congress arose to attend a public entertainment which they were giving to the minister of France; and the members of Congress appear to have joined heartily in drinking toasts to the alliance, to the King and Queen of France, to the King of Spain, as well as to the several lofty sentiments proposed. "The cheerfulness which existed in the company upon the happy occasion of their being assembled", declared the *Pennsylvania Packet*, "was not to be exceeded; and a thousand brilliances alluding to the Alliance were uttered."

Gérard evidently thought this a good time, while the bosoms of Congress might still be glowing with the sentiments uttered at the banquet, to renew his solicitations in the matter of the peace terms. Accordingly he at once proposed an audience, which was given on the 15th. In terms polite but emphatic and urgent he pointed out the importance of coming speedily and definitely to a decision respecting those matters which would necessarily be involved in any peace settlement. How far, for instance, were the United States prepared to go in the prosecution of the war? What among the things claimed or desired would the United States be willing to relinquish? For what things in particular were they disposed to fight on? What, in short, would be their ultimata? In particular he informed Congress that Spain was on the point of joining the alliance, but that Spain also had her desiderata, and these required consideration and decision. There was, for instance, the general question of the boundaries which the United States would claim, and there was the specific question of the Floridas, and that other very important question of the navigation of the Mississippi. It is particularly noteworthy that what seems to have impressed Congress most was not so much the urgency of settling the terms of peace as the fact that Spain was likely to become an ally.

The committee to whom had been assigned the task of putting the several questions into suitable form for discussion brought in a report, February 23, recommending, in addition to independence, absolute and unlimited, as well in matters of government as of commerce, which must be granted as a prerequisite to any negotiations, six stipulations which should be in the nature of ultimata, namely, certain minimum boundaries, evacuation by the British forces, fishing rights on the banks and coasts of Newfoundland, navigation of the Mississippi River to the southern boundary of the United States, free commerce with some port or ports on

the Mississippi below that boundary, and the cession of Nova Scotia, the latter in case the allies would support the contention. There were also six conditional stipulations which might be used as "trading points" in the negotiations.

Upon some of the major as well as upon some of the minor provisions there was ready agreement. Over others however the contest waxed exceeding warm and continued unabated for six months. Meanwhile Gérard continued from time to time to prod Congress with reminders that it was impossible to be too economical of time in coming to a decision. "I am afraid", wrote Lovell to Gates, March 1, "of the Arts that are using to hurry us into a rash ultimatum. We are told that such is our *first Business* tho' your letter and the Observation of a blind man may convince us of the contrary; but forsooth France and Spain are of that opinion fully as say the Lickspittles of the Plenipo." Then on May 27 Gérard added the further warning that the states were incurring the risk of fatiguing Spain by these delays, of "cooling the good will of his Catholic Majesty", and even of alienating him.

The discussion had been revolving around the three principal points of the ultimata, the boundaries, the fisheries, and the navigation of the Mississippi. The question concerning the boundaries had essentially been settled March 19, with a permissible modification with respect to the northwest boundary in the event that the boundary designated could not be obtained without continuing the war for that purpose, a similar proviso being afterward inserted in the instructions with respect to the northeast boundary. While there was no little debate on this question, it by no means stirred the great deeps of Congressional bile as did the debate over the fisheries.

Over the question concerning the fisheries as also over that respecting the navigation of the Mississippi Congress divided for the most part along geographical lines, the New Englanders contending for the former, the Southerners for the latter, while the intervening states cast their votes partly with the one side, partly with the other. The fisheries had long been a favorite industry in New England, therefore the delegates of those states insisted strenuously upon retaining what they regarded as both a natural and an historic right. In this contention they had the aid of a few Southerners, particularly of Richard Henry Lee of Virginia, until he took his departure in the latter part of May, and of Henry Laurens of South Carolina, who stood staunchly with them from the beginning to the end.

The struggle over the fisheries, beginning as it did early in February and lasting almost without cessation until the middle of August, was one of the most protracted and most hotly contested parliamentary battles waged in Congress. And as that question had to fry in the residuum left over by the Deane and Lee controversy, so the heats generated in that

dispute remained long afterward to affect other measures which were remotely if at all related to it. Thomas Burke put the matter mildly when he applied to the contest such words as "arduous", "strenuous", "pertinacious". John Mathews was nearer the truth when he asserted that the subject "was twisted and tortured in all the variety of modes human ingenuity could invent, to gain and to oppose, this important object".

Burke, in his report to the North Carolina legislature, explained that the aim of the opposition was at all times "to prevent every obstruction to peace but such as were unavoidable", to make the direct operation of every resolution "plain and unequivocal", and that they were "ever watchful to pervade every proposition, and by proposing Amendments, to Strip it of every artificial Coloring until it was brought to the Simple Question 'Shall the War be continued merely for that object?'"

On the 22d of March a resolution was adopted demanding an acknowledgment of "a common right in these States to fish on the coasts", etc., "provided always that the allies of these States shall be in circumstances to support them in carrying on the war for such acknowledgment", but with the additional proviso, "that in no case, by any treaty of peace, the common right of fishing as above described be given up". Naturally, this was not satisfactory to the New England delegates, and two days later they succeeded in obtaining a reconsideration of the question and the adoption of a substitute designed to circumvent the argument that the colonies, by severing their connection with Great Britain, had lost their ancient rights to the fisheries, since those rights had appertained to them only as British subjects. The efforts of the opposition were now chiefly bent upon the delicate task of trying to extract the egg without breaking the shell. In this they succeeded fairly well on May 27, but not until Gérard had once more thrown his weight into the scales, the outcome being that the demand was reduced to the simple phrase "that in no case, by any treaty of peace, the common right of fishery be given up".

There was, naturally, much grumbling on the part of the pro-fishery group over the part which Gérard was taking in this whole business, but even while the grumbling still proceeded it befell that, on June 15, Congress, as in duty bound to do, responded to a letter from the king announcing the birth of a royal princess, and did its duty well and nobly; perhaps more, for not only was the king requested "to oblige us with portraits of yourself and royal consort, that, by being placed in our council chamber, the representatives of these states may daily have before their eyes the first royal friends and patrons of their cause", but there was included a further "representation and request"—for the loan of a few millions.

It was now the turn of the Easterners to endeavor to put the egg back into the shell in the same dextrous manner in which it had been extracted. This operation had in fact been begun on June 3 by means of an explanatory resolution, but some of the middle-state members who had hitherto

stood with the New Englanders refused their support, and the motion failed. On June 19, however, the New Englanders resumed their effort to do what in the political parlance of our day would be termed "putting teeth" into the article concerning the fisheries, when Gerry offered a series of five propositions shrewdly calculated to sap the works of the enemy and tumble the walls of his fortress about him. These propositions are recorded in the Journals and need not here be recapitulated, nor the speech which Gerry made in defense of the measure, the substance of which will be found in this volume. There were evidently other speeches that day, both *pro* and *con*, for John Fell set down in his Diary, "Long and Idle debates ensued according to custom, whenever the fishery is the subject". Gerry's first and second propositions, not very alarming in character, were carried without great difficulty; but the third, which was taken up on July 1, had more of the root of the matter in it. Once more the struggle was on, the opposition endeavoring, in Burke's phrase, "to strip it of every artificial coloring", although it would be a more accurate characterization to say that the effort was mainly to so wrap the proposition about with cloth of other colors as to give it an entirely different appearance and meaning.

The Fourth of July broke into these proceedings—rather the fifth, for the fourth fell on Sunday—and Congress paused to celebrate the anniversary of the Declaration with an entertainment to the minister of France, the chief magistrates of Pennsylvania, and other distinguished persons, whereat toasts of the usual sort were drunk, including the appropriate sentiment: "May *affection* cement the union which wisdom has formed between France and America." It is recorded of this entertainment that "joy and innocent festivity pervaded all ranks of people", and it is not to be doubted that members of Congress had their share of both.

At this critical juncture others than members of Congress began to bestir themselves in behalf of the settlement of this and other vexing problems, offering both advice and criticism. At the time when Gerry's propositions first came under discussion, Gouverneur Morris had asserted that "our pretended private business" is "known and talked of in every one of the states", and other members confirmed the statement. As early as May 28 there had appeared in the *Maryland Gazette* an extract of a letter, said to have been written by a former member of Congress, in which the writer refers to an "execrable faction" in Congress, but for which peace might have been obtained in the spring. This set many tongues to wagging and several pens to scribbling. One of the first and most vigorous of these pens was that of "Americus", who came forward in the *Pennsylvania Gazette* of June 23 endeavoring, for one thing, to locate and identify this faction, if such there was. In particular, however, he attacked the proposition to make the fisheries an ultimatum

in the peace negotiations. This drew forth other screeds more or less vitriolic and eventually led to some episodes which were not without a touch of violence.

One writer, whose production bears the date June 24 (the day following the appearance of the "Americanus" article), uses for a *nom de plume* "O Tempora! O Mores!", and writes accordingly. He and "Americanus" may indeed have been one and the same individual. He particularly points the finger of denunciation at a junto, a "club" in Congress, who "meet regularly, debate upon, and adjust the manner of their proceedings", and "by acting constantly in concert, have at last brought it about, that a minority and a small one too, can retard, delay, and even obstruct every proceeding". Although he takes refuge behind the formulae "as I am informed", and "as is credibly whispered", he appears to know how long and how persistently the minister of France had been urging Congress "to lose no time in coming to resolutions on what terms they would treat, and to appoint a person or persons to repair to Europe, with ample powers for that purpose", and he is quite certain that the insistence of the New England delegates upon making the fisheries a *sine qua non* was chiefly responsible for the exasperating delay.

This article, which made its first appearance in Philadelphia July 9, caused no little wincing among the galled jades, and probably had an influence in accelerating proceedings. But if any one proposed the infliction of pains and penalties upon "O Tempora! O Mores!" for his lamentations, it is not of record. One of the New England delegates, it was said, was asked by an outsider why Congress had made no reply to the article, and this delegate replied, "because it had too much of truth in it".

To return now to the floor of Congress, which we left wrestling with Gerry's third proposition, upon which it appeared to have reached an impasse. Members of both parties had already been consulting Gérard, and now the minister made an especial effort to break the deadlock and asked for an audience, which was set for July 12. "*Confidential*", wrote Lovell to Samuel Adams, July 10—"We shall give a private audience on Monday. . . . It will be upon a level Line of Importance with the former *parvum in multo*." Several matters were discussed at that audience, but the meat of the main question was discoverable in the sandwich. The deadlock was not however at once broken. On the 17th Dickinson endeavored to pour oil on the troubled waters by offering carefully drawn instructions to the minister who should be appointed for the peace negotiations. Dickinson's suggestions were not, however, accepted, and there was much parry and thrust for several days. Finally on the 29th a resolution was adopted to the effect that, if after the treaty of peace Great Britain should molest the inhabitants in taking fish on the banks, etc., Congress would deem it a direct violation and breach of the peace and that the force of the Union should be exerted to obtain redress to the injured parties.

This resolution was adopted by the solid vote of all the states from New Hampshire to Delaware, inclusive, against the solid opposition of all the states from Maryland southward.

The outcome of the long contest was to lay down as an ultimatum only the stipulation "that in no case, by any treaty of peace, the common right of fishery be given up", although the explanatory and other provisions which had been tacked on, if thrown upon the peace table, might well have served to balk negotiations. This was evidently the conclusion to which the majority of Congress came when the heats generated by the contest had somewhat cooled and reflection had entered in. For when, two weeks later, Congress came to decide upon the instructions to be given the minister who should negotiate the peace, there appears to have been general readiness to adopt the instruction, that, although the fisheries and some other objects mentioned are of great importance, "yet a desire of terminating the war hath induced us not to make acquisition of these objects an ultimatum on the present occasion". The advocates of the fisheries were probably the more ready to agree to this instruction because they still hoped to be able to name a man of their own choice to negotiate the treaty.

The question concerning the free navigation of the Mississippi was actually longer on the carpet than the fisheries, but it never at any time passed through such periods of storm and stress. When the subject was brought up in Congress March 24, Burke and Drayton, delegates of North Carolina and South Carolina, respectively, sought to qualify the demand by adding "provided that the allies of these United States shall declare themselves in circumstances to afford effectual assistance for carrying on the war until said acknowledgment and ratification shall be obtained", a proposition entirely consistent with the attitude which these Southern members had previously taken on the question of the fisheries. Both the amendment and the proposition were, however, overwhelmingly defeated. The Mississippi question was then allowed to sleep until that respecting the fisheries had been settled.

The question came up again on August 5, when there was an effort to have the minister to Spain instructed to endeavor to secure both the cession of the Floridas and the free navigation of the Mississippi, but this also failed. On September 9, after a warning from Gérard that, if Congress hoped for the aid of Spain, it were best not to ask that power to yield two such cherished objects as the Floridas and the navigation of the Mississippi, there was a movement to make these demands conditional and propose a number of *quid pro quo's*. There was even a proposition that the United States should assist Spain in the conquest of the Floridas, but this proposition seems to have gained few adherents. The outcome was a resolution, adopted on the 17th, that if Spain should join hands with France and the United States she should not only not be precluded

from securing the Floridas, but that if she should obtain them the United States would guarantee them to her, on condition of being permitted to enjoy the free navigation of the Mississippi into and from the sea. In less than a month some members began to fear that even this was demanding too much, and it was proposed that the minister to Spain be privately instructed to recede from the claim on condition that Spain should grant a free port; but the majority stood by the proposition as adopted.

Preparatory to choosing the persons who should conduct the negotiations, an effort was made (September 24 and 25) on the part of a few members to obtain a "self-denying ordinance", cast in these general terms, "that Congress will not appoint any person, being a member of Congress, to any office under the United States, for which he or another for him, is to receive any salary, fees, or emolument of any kind", but it failed now, as it did also when proposed again some weeks later. These elections principally occupied Congress during Saturday, Sunday, and Monday, September 25, 26, and 27. Arthur Lee's partizans sought to have him designated for the peace mission, but found the support altogether too feeble. The principal contest for that mission arose as between John Adams and John Jay, and through a combination of the adherents of the two Jay was made minister to Spain, and Adams was chosen to negotiate the treaties of peace and commerce with Great Britain. "Gods will be done", exclaimed Henry Laurens, when he perceived that Jay was about to be chosen—an exclamation often indicative of dissatisfaction with the divine decision.

"The Embarrassments Difficulties and Delays attending this Business, in consequence of the Disputes between the late Commissioners", Gerry wrote to John Adams, "have exceeded every thing of the Kind, which I have before met with: So far have some of their Friends in Congress been influenced by Attachments and Prejudices as to render it impossible to preserve their Friendship and Confidence, and at the same Time to act with becoming Freedom and Independence." This was not indeed to be quite the end of that chapter of troubles, but it was the beginning of the end. The atmosphere at once began to clear. "I am freed from a load", exclaimed Lovell the next day after the elections. "For I have long practiced upon David's Rule, away with Sackcloth and Ashes when evitables become inevitables." "Some of us", he wrote two days later, "look as calm as if we were sure we had *laid the Devil*. Others look as much relieved as David when he became *certain* that the little Innocent was beyond hope, *dead*."

One or two developments of lesser import remain to be pointed out. Since the middle of February, when he had announced to Congress confidentially that because of the state of his health he was desirous of returning to France, Gérard had been looking forward anxiously to the time when the principal peace terms, which delicately involved the alliance,

should be settled and permit him to take his departure. "As to the time of my departure", he wrote to Vergennes March 8, "it will depend upon the actual termination of the deliberations of Congress. I will not leave earlier even at the peril of my life." But as time wore on and the peace terms were not decided, naturally enough it began to be whispered about that Gérard was to leave and, also naturally enough, there were conjectures that it was for reasons other than his health. In a letter to Jay in April Washington spoke of the rumor, the conjectures with regard to Gérard's motives, and the "handle for misrepresentation" which it would give the enemy, and Jay remarked in his reply: "There is as much intrigue in this State House as in the Vatican but as little Secrecy as in a boarding school." William Fleming also found it necessary a little later to remove from Jefferson's mind the impression that Gérard was "about to return to his own country in disgust".

When at last the principal questions relating to peace terms had been determined and a successor, the Chevalier de la Luzerne, was at hand, Gérard made ready to depart and transmitted to Congress on September 3 the address with which he proposed to take leave. When it came to adopting the response, there were not a few members of Congress whose lukewarmness toward him naturally led them to seek to spread the commendation of him no thicker than might be necessary, and there were some who would willingly have sent him away with a downright snub. The majority of the members, however, had too much sense, whatever their feelings, to take such a course. Accordingly the speech with which Congress bade the minister adieu, September 17, while not heavily coated with praise, matched aptly enough the speech to which it was a response. John Dickinson, chairman of the committee to whom the task of preparing the draft had been assigned, remarked in a letter to Caesar Rodney, "We have dismissed him with as honourable Testimonial, respecting his public and private Conduct, as We could give". On the 18th of October, or thereabouts, Gérard and Jay, with their respective suites, went aboard the *Confederacy*, which a few days later sailed away.

The prudent Jay had inquired of Congress, just before his departure, in what manner he was to be supplied with money for his expenses on his arrival in Europe, and Congress had decided to request the minister to France (Franklin) to take the most effectual measures for supplying the newly appointed ministers and their secretaries with necessary funds, assuring him that Congress would "immediately take measures for replacing the said sum, as well as for establishing a fund in Europe for the future support of all the embassies from these states". Establish funds in Europe, forsooth! when Congress had no funds either in Europe or in America, and no one at that moment knew whether there would be funds to buy the next week's provisions for the army.

But it so happened that, at the moment when this resolve was so confidently pronounced and duly recorded in the Journals, a new hope had arisen from a new quarter. For the committee which had proposed this answer to Minister Jay's inquiry also reported "that it appears to them that a loan may be obtained in Holland". This expectation had been derived from the examination of some correspondence between Governor Trumbull of Connecticut, on the one hand, and Lieutenant-Colonel J. G. Diriks, a Hollander some time in the service of the United States, and Baron van der Capellen, on the other hand. About a year before, in fact, a similar suggestion had come from the same source, but the reply then had been "that Congress are not yet prepared to adopt the scheme of a negotiation for the loan proposed". Now, however, Congress does not appear to have hesitated a moment, but resolved at once (October 14) that a proper person be authorized to negotiate that business, and on October 21 chose Henry Laurens for the purpose. A few days later Congress came to the further decision to appoint a commissioner to negotiate a treaty of amity and commerce with the United Provinces, and Laurens was chosen (November 1) for that purpose also. This appointment was ultimately to have important consequences, although not of a character which any member of Congress at that time probably forecast.

With the most vexing of the immediate questions connected with foreign relations out of the way, it was at last possible for Congress to attack more vigorously a number of domestic problems, some of which had been hanging in the air for a good while—the Board of Admiralty, the Court of Appeals (for which a provision had been much advanced before the end of the year, though not completed), Vermont, various problems pertaining to the army, particularly the departments of the commissary-general and quartermaster-general, and of course the finances. The problem of finances, however it might seem to have been settled, had an exasperating way of becoming unsettled again almost before the solemn document could be recorded in the Journals.

The Vermont question had now and again during the year knocked on the door of Congress, on a few occasions had actually thrust its head inside the door, and once or twice obtained admittance and a hearing. Governor Clinton on his part had been impatient for a pronouncement from Congress, but Jay, who had been sent to Congress expressly to guide that affair, wisely refrained from pressing the matter until conditions should be favorable and Congress in a tractable mood. A tentative step was taken by Congress at the end of May, and in June a committee was sent to Vermont to endeavor to administer a sedative, but the junket was largely a failure. Finally, toward the end of September Jay succeeded in putting through a set of resolutions which he hoped would lead toward a satisfactory adjustment of the difficulty.

One old problem, that pertaining to the western lands, suddenly appeared toward the end of the year in a new garb. This was the Vandalia and Indiana land companies seeking consideration, and they stirred Congress to some heated debates and some of the states, Virginia and North Carolina particularly, to new anxieties. But about all that Congress could well do at the time was to press the soft pedal, to temporize, and to pass the problem on to the future.

It was inevitable that, with the sickening fall in the purchasing power of the money, the fearful rise of prices, there should again be a demand, in Congress as well as in the states, for some decided efforts toward the control of prices. In the preceding year some of the states had tried it, and Congress had given some thought and a good deal of discussion to the question, but had finally requested the states to suspend their regulatory acts. Early in October, 1779, New Jersey made a representation to Congress in behalf of regulation of prices, and about the same time a convention of the Eastern states had gathered at Hartford and adopted resolutions in favor of regulation. After duly considering these demands Congress came to a decision, November 19, that the several states be earnestly recommended "forthwith to enact laws for establishing and carrying into execution a general limitation of prices throughout their respective jurisdictions". But in the end they were to learn once more that regulation does not always regulate.

During these same months Congress was beset by a difficulty which often overtook it and sometimes struck its arm with paralysis. There was a dearth of members. For some time delegates had been taking their departure, particularly after the exciting days of controversies over the representatives abroad and debates over the peace terms, some having resigned, some departing because they had served their agreed terms of rotation and could not await the coming of their tarrying substitutes, some for other reasons. John Armstrong frankly confessed that he had exerted "the last dregs of any remaining talent" which he possessed. There were those who fled wildly the high cost of living in Philadelphia. There were others who, like James Mercer, appear to have been overcome with disgust and wished to consort no more with such a body of men. No doubt if Mercer had remained a while longer he would in due time have found real satisfaction in laboring with the men whose society he now appeared to scorn. Others before him had been afflicted in like manner and had fully recovered. There were those who begged for release, but remained nevertheless. Of these was Cornelius Harnett, who yearned for the happiness to spend the remainder of his days in retirement; "my time of life requires it", he wrote Governor Caswell. To Thomas Burke he wrote in October: "For God's sake come on to relieve me . . . I acknowledge it is cruel in me to wish you to return. . . . But you have this consolation: that, should you fail of receiving your reward in this

world, you will no doubt be singing Hallelujas in the next to all Eternity, Tho' I acknowledge your Voice is not very well calculated for that business." His colleague, William Sharpe, likewise pleaded for release "from the House of Bondage".

During the last weeks of the year Congress watched with anxious forebodings the eternal drain on the treasury, while with equal alarm they beheld scarcely a trickling of state quotas coming in. Every department, wrote Schuyler to Washington November 18, is so "deeply in debt and no plan adopted which gives the least prospect of remedy to these Evils that I very seriously apprehend the most disagreeable Consequences". Congress finally resorted to a desperate remedy which it hoped might save its finances until something else could be done; this was to draw bills of exchange on John Jay and Henry Laurens for £100,000 sterling each. It mattered little that neither Jay nor Laurens was at his post in Europe, that Jay was in fact yet somewhere on the broad Atlantic and might never reach the other side, that Laurens had not even as yet taken to the water; it mattered less that former experiences in drawing bills of exchange with no funds to meet them had been anything but happy ones. It would at least be a considerable time before those bills would be presented for payment (they were drawn at six months' sight), and at worst it would be a longer time before they could be coming back and knocking at the doors of the treasury. In that time they might be made to feed and clothe the army, still the clamors of many debtors, and even afford small advances in behalf of the states wherewith to keep together the souls and bodies of their delegates. And who could say what stroke of good fortune might meanwhile befall? The bills were drawn and by one means or another found purchasers. Their subsequent history forms an interesting though somewhat unhappy chapter in the story of Continental finance. As for those drawn on Mr. Laurens, long before that gentleman had even left these shores those bills were diligently seeking him in Europe, and he could not be found.

By the first of December, as had some time before been confidently predicted, the treasury was practically exhausted, and the army began to be in want. "The different states must supply those demands", Cyrus Griffin declared, "or the period will shortly arrive when the whole Continent may totter to its foundation." In this exigency Congress resolved (December 11 and 14) to call upon the states to furnish the necessary supplies in kind, promising to credit these supplies against the money quotas which the states were supposed to furnish; and President Huntington, in transmitting this resolution, pointed to the "fatal consequences that might ensue in this critical juncture of affairs" should these supplies not be furnished to the army with all possible despatch. The difficult and distressing situation as Quartermaster-General Greene found it is set

forth at some length in a letter to Washington in the following January. It is a very sombre picture.

"The Cry for money from every department", Ellery wrote December 21, "is so vehement and peremptory that unless the Treasury is very soon supplied the most alarming consequences will take place." "But alas what is our Situation!", wrote Floyd the same day. "Our treasury nearly Exhausted, Every Department out of Cash, no magazines of provision laid up, our army Starving for want of Bread, on the Brink of a General Mutiny, and the prospect of a Speedy Supply is very Small. This is a melancholy Situation and would give our Enemies great pleasure, if they knew it." If the several states, he declared, do not take it upon themselves to draw forth the supplies for the army in some mode or other, "God only knows what will become of us next Campaign; our army Cannot be kept together". "Our Finances are in Such a Situation", Peabody wrote to Bartlett December 24, "that policy forbids me to entertain you upon a Subject of So delicate and interesting a Nature unless I was Sure of a *Safe Conveyance*." "Congress are at their wit's end", confessed Ellery, and that was substantially the conclusion to the whole matter. Congress even proposed to borrow 20 millions of its own bills of credit on bills of exchange on Jay and Laurens, offering the most liberal terms. But it did not propose to emit new bills; that would have been worse than useless. It was well known that there was already too much in circulation, and depreciation was so rapid that delegates spoke of it as "inconceivable", the rise of prices "enormous", the expense of living "amazing". Members of Congress were particularly feeling the pinch keenly. Philadelphia was probably not much worse than other places in this respect, but Congress resolved December 3, that in April they would remove to some other place, just where they were unable to decide. "You will not be surprized at their wish to quit this City", Floyd wrote to Clinton, "when you are informed of the amazing Expense of living here . . . it seems as if the Devil was with all his Emmisaries let loose in this State to Ruin our money." "The expense of living here", Peabody wrote about the same time, "is intolerable, beyond Conception, and almost insupportable." "*Facilis descensus Averno*" might well have been said at this time of the Continental money.

Such was the gloom that enveloped Congress and the country as the year came to a close. The year 1779 had been throughout one of disappointments, of anxieties, of forebodings, even of groanings that could not be uttered, with only an occasional gleam through the darkness. Like the preceding year it had been one of party disputes, factional strife, and personal quarrels, only more so. In the Revolutionary calendar the year 1779 is not one that is conspicuous for achievements. In the domain of arms it was unusually barren; in the domain of diplomacy it was only a little less so; while in the domain of statesmanship its products were

meagre in quantity and in quality. In the realm of politics and finance it was a year of storm and stress and strain, its contributions chiefly the lessons of failure, and even these lessons were but imperfectly learned. Congress did indeed accomplish something toward putting its own house in order; it cleared somewhat the muggy atmosphere which had surrounded and permeated its foreign relations, and it likewise in some degree cleared the ground for more efficient action in its domestic affairs; it even has some fragments of constructive measures to its credit. But upon the whole it was not a year of progress; it was a year of marking time.

And yet in one particular the year 1779 does stand out conspicuously among the five years during which the struggle had endured: it was probably the first year in which scarcely a soul among the leaders seems to have harbored even so much as a thought of surrender. The future they saw but as through a glass darkly, yet they quenched not the spirit, they held fast to that which was good, they continued to hope for that they saw not. Probably even in the darkest days of the closing year there was no member of Congress who would not have joined with William Churchill Houston in the sentiment: "*Nesquam desperandum est de Republica.*" And who are ye that rise up to doubt and to scoff? Were the foundations of their faith no more than the baseless fabric of a vision? O ye of little faith! On such is this nation builded.

EDMUND C. BURNETT.

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LIST OF MEMBERS.

CONNECTICUT.

Andrew Adams.

Elected: Oct. 21, 1778 ("for the Year ensuing the first Monday of November next").¹

Attended: (See vol. III.) ; did not attend in 1779.

Adams resigned, and Joseph Spencer was elected (at the session begun Jan. 7, 1779) in his room.

Eliphalet Dyer.

Elected: Oct. 21, 1778; Oct. 14, 1779.

Attended: (See vol. III.) ; Jan. 1 to Apr. 6 (or later), 1779.

The action of Oct. 14, 1779, was merely a resolve that the delegates chosen for the current year, ending Nov. 1, should continue to represent the state "with the same Powers, Privileges and Instructions . . . until the first Day of March next". It is to be observed that the dates of election given in Connecticut credentials mark the opening of the session of the general assembly, not necessarily the days on which the elections took place.

Apr. 6 is the date of Dyer's last recorded vote. He and Root probably took their departure Apr. 7 or 8 (see under Root).

Oliver Ellsworth.

Elected: Oct. 21, 1778; Oct. 14, 1779.

Attended: (See vol. III.) ; Jan. 1 to Feb. 19; Dec. 16-31, 1779.

Ellsworth's name is missing from the *Journals* Jan. 2-19, but mention of his absence has not been found. He signed the delegation letter of Jan. 4-5. In his absence he was appointed (June 2), together with his colleague Jesse Root, a member of the committee to visit the New Hampshire Grants (see no. 319).

Titus Hosmer.

Elected: Oct. 21, 1778; Oct. 14, 1779.

Attended: (See vol. III.) ; did not attend in 1779.

Samuel Huntington.

Elected: Oct. 21, 1778; Oct. 14, 1779.

Attended: (See vol. III.) ; May 21 to Dec. 31, 1779.

All Connecticut delegates were absent from the floor of Congress Nov. 2-9, for the reason that their term had expired Nov. 1 and new credentials had not arrived. See nos. 626, 627, 630, 631, 640, 644.

Jesse Root.

Elected: Oct. 21, 1778; Oct. 14, 1779.

Attended: (See vol. III.) ; Jan. 1 to Apr. 6 (or later) ; Aug. 12 to Nov. 26, 1779.

Root's last recorded vote in April is on the 6th. The substitution of another member on the board of war, Apr. 8, indicates that he was then absent (see under Dyer). During his absence he was appointed (June 2) a member of the committee to visit the New Hampshire Grants (see under Ellsworth). Concerning his absence Nov. 2-9, see under Huntington. The last record of him in the *Journals* of 1779 is an order Nov. 26 for a warrant. See also no. 664.

Roger Sherman.

Elected: Oct. 21, 1778; Oct. 14, 1779.

Attended: (See vol. III.) ; Apr. 27 to July 10 (or later) ; Sept. 29 to Dec. 31, 1779.

¹ The terms and conditions of election apply, unless otherwise stated, to all delegates from a state chosen at the same time.

Spencer wrote May 4 (no. 246): "Mr. Shearman arrived here Last Wednesday"; the *Journals*, however, record his attendance on Tuesday, Apr. 27. Upon his attendance Sherman laid before Congress a special resolve of the Connecticut assembly, Apr. 7, respecting the powers of the delegates of that state (see the *Journals*).

Sherman's last recorded vote is July 10, and Fell mentions, July 15 (no. 413), a letter from Sherman, which would indicate that he had taken his departure some days before. On the other hand, James Lovell's letter of July 20 (no. 432), referring to proceedings of July 16, suggests the possibility of Sherman's presence at that time.

Joseph Spencer.

Elected: Jan. 7, 1779 (in the room of Andrew Adams, resigned); Oct. 14, 1779.

Attended: Mar. 27 (24?) to Sept. 17, 1779.

Spencer is recorded as having attended and produced his credentials Mar. 27; nevertheless his name appears in the last of three records of yeas and nays Mar. 24, although it is not found among those of Mar. 26 (there are no recorded votes Mar. 25). It is evident therefore that the *Journals* are in error in one of three entries: either Spencer actually attended as early as Mar. 24, and the entry in the *Journals* should have been made accordingly; or he is erroneously recorded as voting Mar. 24; or else the vote itself (on Richard Henry Lee's motion) is placed under the wrong date. On the first point, no evidence other than that in the *Journals* has been found respecting the arrival and first attendance of Spencer; but Thomson's endorsement on Spencer's credentials, "Credentials of Mr. Spencer for Connecticut Read March 1779", shows that the secretary himself was in doubt when he made that endorsement. On the second point, it is to be remarked that Thomson left two records of that vote in his own hand, in each of which the name of Spencer appears as one of the Connecticut delegates. One of these records is in the Secret Journals, Foreign Affairs, the other on the back of Lee's copy of his motion (see the *Journals*, p. 312, note 2), the latter being, no doubt, the original from which the Journal record was made. It seems most probable therefore that the error is in placing that vote under Mar. 24. It will be observed that these proceedings were in committee of the whole and that the public Journal records that after some time spent in consideration of the report of the committee of the whole Congress adjourned. The consideration of that report was resumed Mar. 30, and again "after some time spent thereon" Congress adjourned. The subject was next taken into consideration May 8, and "the proposition under debate when the subject was last before Congress", namely, Richard Henry Lee's substitute, is quoted in full. Now, the record in the Secret Journals, Foreign Affairs, under Mar. 30 is merely, "Congress resumed the consideration of the report of the committee of the whole, but came to no resolutions". According to the Diary of John Fell, however, a vote on Lee's motion was actually taken that day, and the vote which Fell records (see no. 167) is precisely the vote recorded in the *Journals* under Mar. 24. If such a vote had taken place on Mar. 24, Fell's evident hostility to the decision would pretty certainly have led him to make a note of the action. Henry Laurens, in his notes of May 8, refers to the vote as of Mar. 25, but he is evidently in error one way or the other, as that question does not appear to have been under consideration at all on that day. The conclusion therefore is that the last vote recorded under Mar. 24 properly belongs under Mar. 30, and that Spencer did not attend until Mar. 27.

DELAWARE.

John Dickinson.

Elected: Jan. 18, 1779 (for one year).

Attended: Apr. 23 to Sept. 28 (or later); Oct. 21 (or earlier) to Nov. 18, 1779.

Concerning an earlier election of Dickinson as a delegate from Delaware, see vol. II. No credentials of the Delaware delegates for 1779 are found in the *Journals*, neither do they appear to be among the Papers of the Continental Congress. The date is taken from Scharf, *History of Delaware*, I. 248, where it is mentioned that Dickinson, Van Dyke, and McKean were chosen Jan. 18

for the term of one year. See also the extract from Van Dyke's letter to McKean, Jan. 24, quoted under no. 79 (note 7).

Dickinson's attendance appears to have been somewhat irregular as his name is frequently missing from the yeas and nays. Only the most extensive and evident of such absences is, however, indicated in the record set down above. In that instance the last recorded vote is Sept. 24, but the accounts of the election of a minister to Spain (nos. 547, 553, 554, 557, 562) give definite evidence of his attendance Sept. 25-27, and his letter to Rodney Sept. 28 (no. 588) suggests still later attendance. Although the *Journals* record the order for a warrant Dec. 4 on Dickinson's application, that is not necessarily evidence that he actually attended after obtaining leave of absence Nov. 18.

Thomas McKean.

Elected: (See vol. III.) ; Jan. 18, 1779.

Attended: (See vol. III.) ; Jan. 7 (or earlier) to Feb. 24; Apr. 22; June 11 to Sept. 14 (or later); Sept. 26; Nov. 5 (or earlier) to Nov. 16 (or later); Dec. 2 (or earlier) to Dec. 31, 1779.

McKean's attendance was usually irregular. While he was appointed on a committee Jan. 4 (a committee of one from each state), he was probably not present as he is not recorded as voting until Jan. 7. Concerning his attendance Apr. 22, see nos. 219 and 222. With regard to his absence in this period, see nos. 245, 248, 250 (note 2). Although a report drawn by McKean was presented Sept. 17, it is not probable that he was present on that day as his name does not appear among any of the recorded yeas and nays of the day.

Nicholas Van Dyke.

Elected: (See vol. III.) ; Jan. 18, 1779.

Attended: (See vol. III.) ; Mar. 23 to Apr. 17; May 1-8; July 17 (or earlier) to Aug. 6 (or later); Oct. 4-11 (or later), 1779.

Nathaniel Scudder mentions June 15 that Van Dyke was then "hourly looked for", but he does not appear to have attended until about a month later. His last record in the *Journals* is Oct. 11, and the fact that his name is missing from the yeas and nays Oct. 13 and 15 indicates his probable absence. The *Journals* record that he was absent Oct. 21.

GEORGIA.

Joseph Clay.

Elected: Feb. 26, 1778 (for the ensuing year).

Did not attend.

Lyman Hall.

Elected: Feb. 26, 1778.

Did not attend in 1779.

For earlier periods of attendance see vols. I. and II.

Edward Langworthy.

Elected: Feb. 26, 1778.

Attended: (See vol. III.) ; Jan. 1 to Apr. 12 (?), 1779.

Concerning the question raised in Congress with regard to Langworthy's attendance beyond the term for which he was chosen, see nos. 207 and 256.

Edward Telfair.

Elected: Feb. 26, 1778.

Attended: (See vol. III.) ; did not attend in 1779.

George Walton.

Elected: Feb. 26, 1778.

Did not attend in 1779.

In the account of Walton's attendance in 1777, given in vol. II. (p. xlv), an error made by the printer after the final proof-corrections had been submitted was not discovered until after vol. III. had come from the press. That error was the omission of an entire line (third from the bottom) and the repetition of a preceding line. The last sentence of that account should read: "Both Walton and Brownson are last recorded as voting Oct. 9 (the expiration of their delegation year), and Walton at least left Philadelphia the next day."

John Walton.

Elected: Feb. 26, 1778.

Attended: (See vol. III.) ; did not attend in 1779.

Joseph Wood.

Elected: Feb. 26, 1778.

Attended: (See vol. III.) ; did not attend in 1779.

MARYLAND.

William Carmichael.

Elected: Nov. 13, 1778.

Attended: (See vol. III.) ; Jan. 1 to Sept. 29, 1779.

While the Maryland election of Dec. 22, 1777, was "for and during the term of one year", the election of Nov. 13, 1778, specifies no time limit. In practice, however, the delegation term appears to have ended with a new election. Carmichael, for instance, took his seat Nov. 19, 1778, immediately after his election.

Carmichael appears to have vacated his seat immediately upon his election as secretary to John Jay, Sept. 29. On the following day Roger Sherman was chosen to take his place on the treasury board.

James Forbes.

Elected: Nov. 13, 1778.

Attended: (See vol. III.) ; July 12 to Dec. 31, 1779.

Presumably Forbes (as also Plater) continued to sit in Congress by virtue of the election of Nov. 13, 1778 (see the note under Carmichael). There was a new election Dec. 22, 1779, but the credentials therefor do not appear to have been presented to Congress until June 14, 1780.

John Henry, jr.

Elected: Nov. 13, 1778.

Attended: (See vol. III.) ; Jan. 1 to Aug. 4, 1779.

Daniel of St. Thomas Jenifer.

Elected: Nov. 13, 1778.

Attended: Apr. 27 to July 3 ; Sept. 14 to Oct. 30, 1779.

Jenifer obtained leave of absence June 28. On the 30th he wrote to Governor Johnson, "I propose to set out from this the 4th of next month" (*Arch. of Md.*, XXI. 465). He is recorded as voting July 3. His return, Sept. 14, is recorded in the *Journals*. He again obtained leave of absence Oct. 23, but postponed his departure (see his letter of Oct. 25, no. 616). He is last recorded as voting Oct. 30.

William Paca.

Elected: Nov. 13, 1778.

Attended: (See vol. III.) ; Jan. 1 to May 14 ; June 4-10 ; June 18-25 (or later) ; Aug. 23 to Sept. 6 (or later) ; Sept. 25 to Oct. 8 (or later) ; Oct. 18 (or earlier) to Oct. 30, 1779.

That Paca was in Annapolis about Aug. 2 is indicated by a letter of that date from the council to the delegates (*Arch. of Md.*, XXI. 486). He is not recorded as voting Oct. 13 and is definitely recorded as absent Oct. 14. Paca (as also Jenifer) obtained leave of absence Oct. 23, but, with the latter, remained until Oct. 30.

George Plater.

Elected: Nov. 13, 1778.

Attended: (See vol. III.) ; Feb. 10 to June 8 ; Oct. 11 to Dec. 31, 1779.

Plater obtained leave of absence June 1, but remained in attendance until June 8.

That he was in Annapolis about June 18 is indicated by a letter of that date from Governor Johnson to the delegates (*Arch. of Md.*, XXI. 459). There were evidently brief absences within the periods of attendance indicated, as was the case with most of the other Maryland delegates.

MASSACHUSETTS.

Samuel Adams.

Elected: Oct. 15, 1778 ("for one year, to commence on the first day of January next ensuing").

Attended: (See vol. III.); Jan. 1 to June 14, 1779.

Adams obtained leave of absence June 9 but remained in Congress through June 14 and did not take his departure until the 15th. *Cf.* nos. 345, 347, 351.

Francis Dana.

Elected: Oct. 15, 1778.

Attended: (See vol. III.); did not attend in 1779.

James Warren wrote to John Adams June 13: "Mr. Dana returned last August, and has remained ever since and I believe will not go again" (*Warren-Adams Letters*, II. 106). June 29 the Massachusetts assembly adopted a resolution requesting Dana to attend Congress in this critical juncture, inasmuch as Hancock would probably not be able to attend, on account of the state of his health (*Resolves of Assembly*, p. 62). Sept. 29 Dana was chosen secretary to John Adams. In December Warren wrote to Adams that Gen. Artemas Ward had been chosen in Dana's room (*ibid.*, p. 123); but this applied to the election for 1780 and could only mean that Dana was not re-elected.

Timothy Edwards.

Elected: Oct. 15, 1778.

Did not attend in 1779.

Edwards was, however, appointed (June 2) on a committee to repair to the New Hampshire Grants. In the *Journals* of that date (see also *ibid.*, July 13) the name is erroneously printed as "[Pierpont] Edwards" (see no. 319, note 3). Meanwhile his resignation as a delegate to Congress had been offered and accepted (*Resolves of the General Assembly of Massachusetts*, June 2), and Gen. Artemas Ward had been chosen in his stead (see under Ward).

Elbridge Gerry.

Elected: Oct. 15, 1778.

Attended: (See vol. III.); Jan. 1 to Dec. 31, 1779.

The *Journals* indicate a number of brief gaps in Gerry's attendance.

John Hancock.

Elected: Oct. 15, 1778.

Attended: (See vol. III.); did not attend in 1779.

James Warren wrote to John Adams June 13: "H[ancoc]k has been once but was gone but about six weeks. he tarried at Congress but about 2 weeks. the air of Philadelphia did not suit him on a Common Seat, he returned for better Health. he is now Speaker of our House, and a sinecure delegate of Congress. the last serves as a feather among others in his cap, to decorate an Illustrious Speaker" (*Warren-Adams Letters*, II. 106; *cf. ibid.*, p. 52; also these *Letters*, vol. III., nos. 396, 409, 410).

Samuel Holtten.

Elected: Oct. 15, 1778.

Attended: (See vol. III.); Jan. 1 to Dec. 31, 1779.

James Lovell.

Elected: Oct. 15, 1778.

Attended: (See vol. III.); Jan. 1 to Dec. 31, 1779.

George Partridge.

Elected: June 29, 1779 (no time limit specified, but presumably for the remainder of the year 1779).

Attended: Aug. 20 to Dec. 31, 1779.

Partridge appears to have been chosen in the place of Gen. Artemas Ward, who, in turn, had been chosen in the room of Timothy Edwards, resigned, but had declined (see under Ward). Partridge arrived in Philadelphia Aug. 19 (see nos. 483, 493).

Artemas Ward.

Elected: June 2 (?), 1779 (in the room of Timothy Edwards, resigned).

Did not attend in 1779.

June 2 is the date of Edwards's resignation, but it may not be the date of Ward's election. James Warren wrote, June 6, to his wife: "But they did not choose me. . . . Genl. Ward is Chose, however . . . I prevented my own and promoted his Choice" (*Warren-Adams Letters*, II. 102). June 13 Warren wrote to John Adams: "Mr. Edwards was chose last winter, has resigned. Gen'l Ward is chose in his room whether he will go I cant say. Your Friend and Servant who is now a Member of the House might have been chose but prevented it, and promoted the other" (*ibid.*, p. 106; cf. no. 358, note 2). June 29 George Partridge was elected in Ward's place. Ward was again chosen in November following (for the year 1780) and served under that appointment.

NEW HAMPSHIRE.

Samuel Ashley.

Elected: Mar. 24, 1779.

Did not attend.

The election of Folsom and Ashley, Mar. 24, was probably to fill the vacancies created by the resignations of Bartlett and John Wentworth, jr. (see under Folsom). Ashley declined, and Nathaniel Peabody was chosen, Mar. 25, in his stead (*N. H. State Papers*, VIII. 824).

Josiah Bartlett.

Elected: Aug. 14, 1778 ("for one year, from the first of November next unless sooner recalled").

Attended: (See vol. III.); did not attend in 1779.

The credentials of the New Hampshire delegates for the year November, 1778, to November, 1779, presented by Josiah Bartlett Oct. 31, 1778, just as he was taking leave of Congress, are in the form of a resolve of the assembly and bear the date Aug. 19, 1778. Bartlett was, however, chosen Aug. 14 (together with Ebenezer Thompson and Timothy Walker, jr., who appear to have declined), and Wentworth, Whipple, and Frost were elected Aug. 18 (*N. H. State Papers*, VIII. 789, 790). In March, 1779, Bartlett and Wentworth resigned, and Nathaniel Peabody and Woodbury Langdon were chosen in their places (see, however, the notes under Ashley, Folsom, and Joshua Wentworth). Mar. 24, 1779, the assembly voted to pay Bartlett the balance of his account as delegate (*ibid.*, VIII. 824).

Nathaniel Folsom.

Elected: Aug. 20, 1778; Mar. 24, 1779; Nov. 3, 1779 ("for one year, from the first day of November next and until relieved or recalled by order of the General Assembly of this State").

Attended: (See vol. III.); Dec. 30-31, 1779.

Folsom's election Aug. 20, 1778 (*N. H. State Papers*, VIII. 792), was probably for the year beginning Nov. 1, 1779 (cf. the elections of Bartlett, Wentworth, Whipple, and Frost); that of Mar. 24, 1779 (*ibid.*, p. 824), probably in the place of Bartlett, who had resigned about that time. He probably declined, for Col. Joshua Wentworth was elected Apr. 1 (and probably declined), and Woodbury Langdon was chosen Apr. 3. At all events, the credentials of Peabody (who was elected Mar. 25 instead of Samuel Ashley, who had declined) and Langdon record that these two had been chosen in the places of Josiah Bartlett and John Wentworth, jr. The election of Folsom and Whipple given in their credentials (see the *Journals*, Dec. 30) as Oct. 29 in the House of Representatives, concurred in by the Senate Nov. 3, is placed in *N. H. State Papers* (VIII. 833) under Nov. 3.

George Frost.

Elected: Aug. 18, 1778.

Attended: (See vol. III.); Jan. 1 to Apr. 16, 1779.

Concerning the election of Frost, see under Bartlett. Judging from the yeas and nays Frost must have been absent from the floor of Congress much of the time in January and February and somewhat also in March. He is last recorded as voting Apr. 16. Whipple mentions Apr. 6 (no. 192) Frost's contemplated departure.

Woodbury Langdon.

Elected: Apr. 3, 1779; Nov. 3, 1779 ("until released, or recalled by order of the General Assembly of this State").

Attended: Sept. 3-17; Sept. 27 to Nov. 19 or 20, 1779.

The credentials of Peabody and Langdon, presented June 22, state that they were elected "in the room and stead" of Josiah Bartlett and John Wentworth, jr. For other elections to fill these vacancies see under Ashley, Folsom, and Joshua Wentworth. The action of the assembly Nov. 3 was not, in fact, an election, but merely an extension of the delegation term (which had already expired, Nov. 1) until the newly elected delegates should arrive.

Langdon's absence Sept. 17 to 27 was on account of illness (see nos. 535, 537).

In his letter of Oct. 12 (no. 598, passage omitted) he says, "The peculiar situation of my family and other concerns renders it necessary for me to leave this place early in December in order to return home". He obtained leave of absence Nov. 16 (*cf.* no. 653), but is recorded as voting Nov. 19, and according to Peabody (letter to President Weare, Nov. 27, Force Transcripts) he took his departure Nov. 22.

Nathaniel Peabody.

Elected: Mar. 25, 1779; Nov. 3, 1779.

Attended: June 22 to Dec. 31, 1779.

The credentials presented by Peabody June 22, which pertain to himself and Woodbury Langdon, are dated Apr. 3, but that was the date of Langdon's election, whereas Peabody was elected Mar. 25, in the place of Samuel Ashley, who had been chosen Mar. 24 and had declined. Peabody wrote to President Weare Mar. 31 accepting the appointment (Henkels, *Catalogue*, no. 1139, item 253, extract). Ashley, in turn, had been elected to fill one of the vacancies created by the resignations of Bartlett and John Wentworth, jr. The term for which Peabody was chosen expired Nov. 1, but because of the delay in electing new delegates the assembly on Nov. 3 extended the terms of Peabody and Langdon "until released, or recalled by order of the General Assembly". The latter credentials were not presented to Congress until Nov. 24, but Peabody and Langdon evidently regarded themselves as authorized to retain their seats until notified to the contrary (see nos. 598, 619, 653). Concerning Peabody's practically unbroken attendance, see no. 699.

Ebenezer Thompson.

Elected: Aug. 14, 1778.

Did not attend.

Thompson doubtless declined the appointment, as three others (in addition to Bartlett) were chosen Aug. 18 (see the notes under Bartlett and Walker).

Timothy Walker, jr.

Elected: Aug. 14, 1778 ("for one year from the first of November next unless sooner recalled or superceded by order of the Genl. Assembly of this State").

Did not attend.

Walker, who was elected along with Josiah Bartlett and Ebenezer Thompson, must have declined; for the vote of Aug. 18 (see under Bartlett) appointed three delegates in addition to Bartlett, namely, John Wentworth, jr., William Whipple, and George Frost. The sketch of Walker in Appleton, *Cyclo. Am. Biog.*, says that he was four times elected a delegate to Congress, but never took his seat. These elections were, besides that here noted: Mar. 26, 1777, together with George King (*N. H. State Papers*, VIII. 523), Jan. 15, 1782 (*ibid.*, VIII. 929), and Nov. 4, 1785 (*ibid.*, XX. 403, 439).

John Wentworth, jr.

Elected: Aug. 18, 1778.

Attended: (See vol. III.) ; did not attend in 1779.

Concerning Wentworth's election, see the note under Bartlett. Wentworth resigned in March, or thereabouts, as did also Bartlett, and the places of the two were filled (Mar. 25, Apr. 3) by the election of Nathaniel Peabody and Woodbury Langdon (see the notes under Bartlett, Langdon, Peabody, and Joshua Wentworth). Nov. 12, 1779, Wentworth was paid for his service in Congress £21:17:1 (*N. H. State Papers*, VIII. 836).

Joshua Wentworth.

Elected: Apr. 1, 1779.

Did not attend.

Wentworth's election (see *N. H. State Papers*, VIII. 825) was probably in place of Nathaniel Folsom, who was elected Mar. 24, 1779, apparently in place of Josiah Bartlett. Wentworth must in turn have declined, for Woodbury Langdon was chosen Apr. 3.

William Whipple.

Elected: Aug. 18, 1778; Nov. 3, 1779.

Attended: (See vol. III.) ; Jan. 1 to Sept. 24 (?), 1779.

Concerning the election in August, 1778, see the note under Bartlett; concerning that of 1779, see under Folsom. Although Whipple planned to take his departure Sept. 19 (see no. 534; *cf.* no. 513), he did not leave Philadelphia until Sept. 25 (see nos. 537, 582). Whether he continued his attendance during the interval is uncertain, for he is not recorded as voting Sept. 20 or 24. Nov. 8 Whipple asked to be excused from attendance under the recent election (see no. 633, note 2).

NEW JERSEY.

Abraham Clark.

Elected: (See vol. III.) ; Dec. 25, 1779 (in the room of Thomas Henderson, who declined).

Did not attend in 1779.

For earlier periods of attendance see vols. I., II., and III.

John Fell.

Elected: Nov. 6, 1778; Nov. 17, 1779 ("from the first day of December next, until the first day of December in the Year of our Lord one thousand seven hundred and eighty, unless a new appointment shall sooner take place").

Attended: (See vol. III.) ; Jan. 1 to Aug. 17; Aug. 30 to Dec. 31, 1779.

Besides the absence Aug. 17-30 recorded in his diary, there were other briefer absences, one (Sept. 17-25) on account of illness.

Frederick Frelinghuysen.

Elected: Nov. 6, 1778.

Attended: Jan. 23 to Feb. 27; Mar. 11-24, 1779.

Concerning Frelinghuysen's attendance, see nos. 49, 110, 133, 159, note 6 (his account against the state), and 160. Apr. 29 (see no. 238) he asked to be excused from further attendance, and it was presumably to fill his place that Houston was elected, May 25.

Thomas Henderson.

Elected: Nov. 17, 1779.

Did not attend.

Henderson declined, and Abraham Clark was chosen (Dec. 25) in his room.

William Churchill Houston.

Elected: May 25, 1779 ("until the first day of December next, unless a new Appointment shall sooner take place"); Nov. 17, 1779.

Attended: July 9 to Oct 7 (or later); Oct. 19-20; Oct. 25 to Dec. 31, 1779.

Houston's election May 25 was presumably in place of Frelinghuysen, who had asked to be excused. Fell notes (no. 443) Houston's absence July 26, but the absence could not have exceeded two days, as he voted July 25 and 28. Fell also notes Oct. 14 (no. 600), in connection with the mention of Witherspoon's absence, that the state was unrepresented, which could only mean that Fell was left alone. He had evidently forgotten to record Houston's departure. Houston is last recorded as voting Oct. 7, but there are no yeas and nays recorded between Oct. 7 and 13. Fell mentions Houston's return Oct. 19 (nos. 608, 611) and his departure again on the 20th. The *Journals* record his presence on the 25th.

John Neilson.

Elected: Nov. 6, 1778.

Did not attend in 1779.

Neilson appears to have declined the delegation (see vol. III., no. 654, note 2).

Nathaniel Scudder.

Elected: Nov. 6, 1778.

Attended: (See vol. III.); Jan. 1-10; Apr. 26 to July 10; Aug. 5 to Sept. 17; Oct. 21 to Nov. 25 or 26, 1779. (See no. 675, note 2.)

John Witherspoon.

Elected: Nov. 6, 1778.

Attended: (See vol. III.); Jan. 1-8; Feb. 16-24; Mar. 6 (or earlier) to Mar. 20; Mar. 31 to Apr. 9; Apr. 15-19; Apr. 26 to May 9 (or later); May 19-21; May 31 to June 3; July 10-16 (?); Aug. 25 (or earlier) to Aug. 30 (or later); Sept. 17 (probably earlier and later); Oct. 8 (or earlier) to Oct. 13; Oct. 29 (or earlier) to Nov. 1; Nov. 16-23, 1779.

Witherspoon's irregularity of attendance is explained in the extract of his letter of Mar. 20, 1780, quoted under no. 160, note 2. Fell usually notes in his *Diary* Witherspoon's coming and going, but occasionally neglects to do so. The other dates are such as can be made out from the *Journals*, although the absence of yeas and nays at times leaves some dates in uncertainty. His absence from June 4 to July 10 was as a member of the committee appointed June 2 to visit the New Hampshire Grants.

NEW YORK.

James Duane.

Elected: Oct. 16, 1778; Oct. 1, 1779.

Attended: (See vol. III.); Jan. 1 to Aug. 14 (or later), 1779.

In none of the credentials presented by the New York delegates is the date of the regular annual election set down. The customary procedure by way of nominations in the two houses separately and comparison of the lists, as prescribed by the constitution of 1777, is recorded in the *Votes and Proceedings of the Assembly of the State of New York, August 18, 1779, to March 14, 1780*, under October 1, 1779. The result being set forth in the following resolutions:

"*Resolved*, That the Honorable James Duane, William Floyd, John Jay, John Morin Scott, and Ezra L'Hommedieu, Esquires, be, and are hereby declared duly nominated and appointed Delegates to represent this State in the General Congress of the United States of America."

While information of this election must have reached Philadelphia early in October (see no. 565, note 2), the first of these delegates to take their seats in Congress were Floyd and L'Hommedieu, who, according to the *Journals*, presented, Dec. 2, "an exemplification" signed by the governor, which is not, however, spread upon the *Journals*. Again, Feb. 25, 1780, L'Hommedieu is recorded as having laid before Congress the resolutions of appointment relative to the delegates, but the resolutions there printed are those of Oct. 15 and 18 respecting the elections of Schuyler (in place of Jay) and Livingston (as a special delegate).

Upon Duane's return to Congress May 1, 1780, he presented a commission from Governor Clinton to himself, Floyd, Scott, L'Hommedieu, and Schuyler, dated Nov. 8, 1779. In short, this commission was to the delegation as it then existed, Schuyler having taken the place of Jay. The constitution of 1777, besides prescribing the mode of election, provides that the election of delegates shall be annual, while the commission specifies the term in this manner: "To have and to hold to them the said James Duane, William Floyd, John Morin Scott, Ezra L'Hommedieu and Philip Schuyler, Esquires, severally and respectively the said Office or place of Delegate for so long time as they severally and respectively may and ought of Right to continue to hold and exercise the same by Virtue of our said Constitution and the said nomination and appointment and no longer."

Duane may not have attended later than Aug. 13 (he is not recorded as voting Saturday, Aug. 14), but Jay wrote to Governor Clinton Aug. 18 that Duane had set out for home "last Monday" (Aug. 16), and Francis Lewis wrote to Clinton Aug. 18 (no. 481) that Duane is "now upon his journey to the Manor". In the *Journals* under Aug. 18 is a motion by Duane, or report proposed by him, but this probably belongs under Aug. 13. The record in the *Journals* indicates several periods of absence, one in particular extending through the greater part of February.

It is proper to note here an error in the extract from Duane's account for public services, 1774-1781, quoted in vol. III., p. lvi. Through a typographical accident about a line of manuscript was dropped from the text. The reading at the close of the extract should be: "1778 Octr. 21st to 25th attended Legislature preparat'y to my going to Congress. 5th Novr. 1778 to 18th October 1779 attended Congress." The concluding date should doubtless be "18th August, 1779", but whether this error was made by Duane himself or by his biographer, S. W. Jones, can be determined only by discovery of the original manuscript.

William Floyd.

Elected: Oct. 16, 1778; Oct. 1, 1779.

Attended: Jan. 2 to June 9; Dec. 2-31, 1779.

For earlier periods of service, see vols. I. and II. Concerning the election of Oct. 1, 1779, see the note under Duane. When Floyd and L'Hommedieu attended Dec. 2, they produced "an exemplification signed by the governor, . . . in which their names are included", but that instrument is not spread upon the *Journals*. The commission presented by Duane May 1, 1780, is described as "the original credentials of the appointment of delegates", although it does not include the special commissions of Jay and Livingston.

Floyd's name is not among the yeas and nays Jan. 5-16, therefore he was probably absent from the floor of Congress during this period or longer.

John Jay.

Elected: Nov. 4, 1778 ("until the first day of March next"); Feb. 9, 1779 ("until thirty days after the next meeting of the legislature"); Aug. 26, 1779 ("until the fifteenth Day of October next"); Oct. 1, 1779.

Attended: (See vol. III.); Jan. 1 to Sept. 28, 1779.

The constitution of 1777 provided "that the chancellor and judges of the supreme court shall not, at the same time, hold any other office, excepting that of Delegate to the general Congress upon special occasions"; accordingly in the appointment of Jay, who was chief justice, a special occasion was declared to exist, the particular problem being the Vermont question. The third of these appointments, Aug. 26, 1779, is not recorded in the *Journals*. The resolve is found in *Clinton Papers*, V. 261, with the date Aug. 25; but in the *Votes and Proceedings of the Assembly* the date is Aug. 26. The election of Oct. 1, 1779, was as a regular delegate (see under Duane).

Sept. 27 Jay was chosen minister to Spain, gave in his acceptance the next day, and, upon the election of a new President, at once ceased his attendance. His account for attendance will be found under no. 566, note 3.

Francis Lewis.

Elected: Oct. 16, 1778.

Attended: (See vol. III.); Jan. 1 to Apr. 28 (or later); June 3 to Nov. 19, 1779.

Lewis is last recorded as voting Nov. 19 (there are no recorded yeas and nays Nov. 20-22), and it is probable that both he and Gouverneur Morris discontinued attendance upon the arrival of Livingston. Lewis was nominated Nov. 15 as one of the commissioners of the board of admiralty, was chosen Dec. 7, and accepted Dec. 8.

Ezra L'Hommedieu.

Elected: Oct. 1, 1779.

Attended: Dec. 2-31, 1779.

Concerning the election of Oct. 1, see under Duane. With regard to his credentials, see also the note under Floyd. The *Journals* record under Feb. 25, 1780, that L'Hommedieu on that day laid before Congress the resolution of the

senate and assembly relative to the appointment of delegates; but the document there printed is the same as that presented by Robert R. Livingston Nov. 20, 1779, and pertains only to Schuyler and Livingston.

Robert R. Livingston.

Elected: Oct. 18, 1779 ("on the present special Occasion, . . . to continue in his said Office of Delegate until the first Day of April next").

Attended: Nov. 20 to Dec. 31, 1779.

With regard to the "special occasion" for the appointment of Livingston, who was chancellor of the state of New York, see the note under Jay. For earlier periods of service see vols. I. and II.

Gouverneur Morris.

Elected: Oct. 16, 1778.

Attended: (See vol. III.) ; Jan. 1 to Aug. 25 ; Oct. 6 to Nov. 19 (later ?), 1779.

In the election of Oct. 1, 1779, in the house of assembly Morris received an equal number of votes with L'Hommedieu, and there was an effort to make him the nominee of the house, but the effort failed. He was again put in nomination to succeed Jay, but Schuyler was chosen instead (see no. 565, note 2).

Morris, as well as Francis Lewis, appears to have ceased attendance about Nov. 19, upon the coming of Livingston. Morris is not recorded as voting that day, although he probably continued his attendance to that time, as he received a committee appointment Nov. 17. Two committee reports drawn by him were presented Nov. 27, but it is not probable that he was then in attendance.

Philip Schuyler.

Elected: Oct. 16, 1778 ; Oct. 18, 1779 ("in the stead of the honble. John Jay, Esquire, for the present Year").

Attended: Nov. 16 to Dec. 3 (?), 1779.

Upon his attendance Nov. 16 Schuyler presented a certificate of election from Governor Clinton, dated Oct. 29, with the promise of a formal commission later (see also Clinton to Schuyler, same date, *Clinton Papers*, V. 334). Nov. 20 Livingston presented the resolutions of the senate recording the election of Schuyler as well as himself. Probably also Schuyler's name was in the "exemplification" presented by Floyd and L'Hommedieu Dec. 2. At all events, his name is included in the commission from the governor, dated Nov. 8, 1779, and presented by Duane May 1, 1780.

Schuyler was appointed (together with Henry Marchant) Nov. 30 on a committee to confer with General Washington, and accordingly obtained leave of absence that day. The *Journals* nevertheless show that he was still in attendance Dec. 1 and 2, possibly Dec. 3. He did not return to Congress until Mar. 7, 1780. In his account for services as delegate, 1775-1780 (rendered in 1786) he charges "from 16th Novr. 1779 to 12 Decemr. Including 12 Trav'g days is 27 days at 34/ £45.18" (copied from the original, then in possession of Mr. Stan. V. Henkels).

John Morin Scott.

Elected: Oct. 1, 1779.

Did not attend in 1779.

Concerning Scott's election, see the note under Duane. He first attended Mar. 6, 1780, and his credentials are first recorded in the *Journals* under May 1, 1780. His name, however, was probably in the "exemplification" presented by Floyd and L'Hommedieu Dec. 2, 1779 (see under Floyd).

NORTH CAROLINA.

Thomas Burke.

Elected: Aug. 13, 1778 ; Oct. 25, 1779 (for the ensuing year).

Attended: (See vol. III.) ; Jan. 1 to Aug. 14 ; Dec. 8-31, 1779.

The credentials as printed in the *Journals* (Dec. 14) give the election as Oct. 26, the investment of powers as Oct. 28. The election was actually on Oct. 25, although the report thereon was ordered to "lie over until To-morrow"; the

act of the House of Commons relative to powers was on the 28th, but the concurrence of the Senate was on the 29th (*N. C. State Recs.*, XIII. 853-855, 859, 868-869, 944-949, 952, 954, 960, 962).

In a letter to Col. Thomas Hart (?), Feb. 13 (Emmet Coll., no. 1161; *N. C. State Recs.*, XIV. 22), Burke speaks of his uncertainty whether he had been re-elected and indicates his purpose to set off for home on the 15th of March, if he can do so consistently with the public service. His election Aug. 13, 1778, had, however, been "for and during the term of one year, unless sooner removed by the general assembly". He remained until the end of his year, and apparently one day beyond, as he voted Aug. 14, 1779.

Cornelius Harnett.

Elected: Apr. 28, 1778; May 8, 1779 (for the ensuing year).

Attended: (See vol. III.); July 26 to Dec. 8, 1779.

While the credentials of Harnett and Penn are dated May 10 (the date of the investment of powers), the election was actually on May 8 (see *N. C. State Recs.*, XIII. 755-757, 807-808, 811, 814).

Harnett obtained leave of absence Dec. 6, but last voted Dec. 8.

Joseph Hewes.

Elected: Feb. 4, 1779 ("for the term of one year next ensuing the date of their appointment, unless otherwise ordered by a Subsequent Assembly").

Attended: July 22 to Sept. 2 (or later); Sept. 20 to Oct. 29, 1779.

The term of election is not given in the credentials but it is set forth in a resolve of Feb. 3 (*N. C. State Recs.*, XIII. 688). For earlier terms of service, see vols. I. and II. Hewes died Nov. 10 (see nos. 632, 640-643). He had, however, meanwhile offered his resignation, and Allen Jones had been chosen in his place (*N. C. State Recs.*, XIII. 853-855, 945, 948).

Whitmill Hill.

Elected: Aug. 13, 1778; Oct. 25, 1779.

Attended: (See vol. III.); Jan. 1 to Apr. 20, 1779.

Hill is last recorded as voting Apr. 20 and must have taken his departure within a day or two thereafter (see no. 311).

Allen Jones.

Elected: Oct. 25, 1779.

Attended: Dec. 8-31, 1779.

John Penn.

Elected: Apr. 28, 1778; May 8, 1779.

Attended: (See vol. III.); Jan. 1 to Aug. 17; Dec. 14-31, 1779.

By what authority Penn continued to occupy his seat in Congress after Apr. 28, at which time his delegation year expired, is not clear. The credentials of his reappointment were not laid before Congress until June 24.

William Sharpe.

Elected: Feb. 4, 1779 (see under Hewes).

Attended: Apr. 15 to Dec. 8 (?), 1779.

Sharpe is not recorded as voting Dec. 8, but as he was awaiting the arrival of Burke, Penn, and Jones (see no. 674) he probably did not take his departure before that day, on which Burke and Jones took their seats.

John Williams.

Elected: Apr. 28, 1778.

Attended: (See vol. III.); January, 1779? See the note below.

Williams's name last appears in the *Journals* Dec. 26, 1778, and it is probable that he left Philadelphia immediately afterward. Following is the account which he rendered for his services:

"The State to John Williams

Dr.

"To my Services as a Delegate to Congress from April 1778 to Jan'y 1779 one half of Each Mentioned Month Inclusive being Nine Months at 1600 pr. year of the late Depretiated Currency Equal at the time of the allowance being made to, 300 0 0" (Library of J. Pierpont Morgan, Signers of the Articles of Confederation, p. 49).

The charge for one-half of January was doubtless an allowance for travel time. At all events, on Jan. 29 Williams and Harnett appeared before the North

Carolina House of Commons and responded to an address of thanks voted by the assembly to Messrs. Harnett, Penn, and Williams (see *N. C. State Recs.*, XIII. 552, 554, 557-558, 569, 653, 671-674).

Feb. 1, 1779, Williams wrote (at Halifax, where the assembly was sitting) to Thomas Benbury, speaker of the House of Commons, offering his resignation: "When I was called to the Important trust by the Suffrages of my fellow Citizens", he wrote, "I was truly Sensible how unequal I was to the Execution of it. My private feelings, however, gave way to the public sense. . . . It is with Reluctance that I now ask leave to Retire. Not to a State of inactive inattention to publick affairs, but to a more Confined sphere of them, when [where?] I may have an opportunity to Exercise my talents upon subjects not so inadequate to them as my late Employment, and when [where?] from their requiring less Enlarged abilities, I may have a Greater probability of being useful" (*ibid.*, XIV. 258).

The resignation was presented in the house the same day, and a new election was held Feb. 4, resulting in the choice of Joseph Hewes and William Sharpe (*ibid.*, XIII. 583-585, 683, 687-689, 691).

PENNSYLVANIA.

John Armstrong.

Elected: Nov. 20, 1778; Nov. 12, 1779 (term not specified, but evidently for the ensuing year, as was customary).

Attended: (See vol. III.) ; Feb. 26 to Oct. 14, 1779.

Armstrong must have been absent for a week or ten days prior to July 22. After his letter of July 12 (no. 404) there is no record of his presence until the 22d. He obtained leave of absence Oct. 11, is last recorded as voting Oct. 13, and his letter of Oct. 15 (no. 604) indicates that he is leaving.

Samuel John Atlee.

Elected: Nov. 20, 1778.

Attended: (See vol. III.) ; Jan. 1 to Mar. 9 (or later) ; Apr. 5 or 6 to May 4; May 14 to June 3; July 9-13 (or later) ; Aug. 5 (or earlier) to Aug. 30 (or later) ; Sept. 14 (or earlier) to Oct. 23 (or later) ; Nov. 8-12, 1779.

Atlee was chosen, June 2, along with Witherspoon, as a member of the committee to visit the New Hampshire Grants and was absent on that mission from June 4 to July 9.

Edward Biddle.

Elected: Nov. 20, 1778.

Did not attend in 1779.

Biddle, Clingan, and Roberdeau resigned, and James McLene, Frederick Muhlenberg, and Henry Wynkoop were elected (Mar. 2) to fill their unexpired terms. For an earlier period of service see vol. I.

William Clingan.

Elected: Nov. 20, 1778 (resigned; see under Biddle).

Attended: (See vol. III.) ; Jan. 22 (or earlier) to Mar. 1, 1779.

James McLene.

Elected: Mar. 2, 1779 (see under Biddle) ; Nov. 12, 1779.

Attended: Mar. 4 to Apr. 6 (or later) ; May 31 to Aug. 7 (or later) ; Nov. 20 to Dec. 31, 1779.

Frederick A. Muhlenberg.

Elected: Mar. 2, 1779 (see under Biddle) ; Nov. 12, 1779.

Attended: Mar. 3-5 (?) ; Mar. 22 (or earlier) to Aug. 25 (or later) ; Sept. 6 (or earlier) to Sept. 27 (or later) ; Oct. 13 (or earlier) to Nov. 19 (or later) ; Nov. 26 or 27 to Dec. 14 or 15, 1779.

Daniel Roberdeau.

Elected: Nov. 20, 1778 (resigned; see under Biddle).

Attended: (See vol. III.) ; Jan. 1 to Feb. 18 (or later), 1779.

James Searle.

Elected: Nov. 20, 1778; Nov. 12, 1779.

Attended: (See vol. III.); Jan. 4 to July 9 (or later); July 29 (or earlier) to Sept. 27 (or later); Oct. 22 (or earlier) to Dec. 31, 1779.

In addition to the absences here indicated, there are other gaps extending to a week or more, in which his attendance is not recorded in the *Journals*.

William Shippen, sr.

Elected: Nov. 20, 1778; Nov. 12, 1779.

Attended: Jan. 4 to Aug. 8 (or later); Aug. 21 (or earlier) to Sept. 2 (or later); Sept. 14 (or earlier) to Sept. 27 (or later); Nov. 15 to Dec. 14 (or later); Dec. 28 (or earlier) to Dec. 31, 1779.

In the credentials of Nov. 20, 1778, he is called "William Shippen the elder"; in those of Nov. 12, 1779, "William Shippen, Senior".

Shippen attended irregularly, as did all the Pennsylvania delegates, having numerous brief absences in addition to those here set down.

Henry Wynkoop.

Elected: Mar. 2, 1779 (see under Biddle).

Attended: Apr. 6 to June 14; Aug. 11 to Sept. 2 (or later); Sept. 27 to Nov. 12, 1779.

RHODE ISLAND.

John Collins.

Elected: May 6, 1778; May 5, 1779 ("for one year from the time of their appointment, and until they or either of them shall be superseded, and another or others shall appear to take his or their place").

Attended: (See vol. III.); Jan. 1 to Oct. 4, 1779.

Collins obtained leave of absence Oct. 2 and last voted Oct. 4. He left Philadelphia Oct. 5 (see no. 596). In December he was planning to return, but did not again take his seat until Feb. 4, 1780 (see Staples, *R. I. in Cont. Cong.*, p. 270).

William Ellery.

Elected: May 6, 1778; May 5, 1779.

Attended: (See vol. III.); Jan. 1 to July 2; Nov. 30 to Dec. 31, 1779.

Stephen Hopkins.

Elected: May 6, 1778; May 5, 1779.

Did not attend in 1779.

For earlier periods of service see vols. I. and II.

Henry Marchant.

Elected: May 6, 1778; May 5, 1779.

Attended: (See vol. III.); June 14 to Nov. 30, 1779.

Marchant arrived in Philadelphia Saturday, June 12 (see no. 353). Concerning his departure in November, see the letters of Nov. 14 and 30 (nos. 648, 670), also a letter of Nov. 23 (Staples, *R. I. in Cont. Cong.*, p. 265). His account against the state, in which he charges for the period June 3 to Dec. 18, is *ibid.*, p. 235. On the day of his departure he was appointed (with Philip Schuyler) to visit Washington's headquarters in New Jersey (see no. 690, note 2).

SOUTH CAROLINA.

Thomas Bee.

Elected: Feb. 5, 1779 (for the ensuing year).

Did not attend in 1779.

Bee was chosen lieutenant governor, his seat thereby being vacated, and Edward Rutledge, who was elected a delegate at the same time, declined. A new election, Feb. 17, resulted in the choice of Rawlins Lowndes and William Henry Drayton (see the credentials, in the *Journals*, July 27).

William Henry Drayton.

Elected: Jan. 21, 1778; Feb. 17, 1779 (for the year ensuing; see the note under Bee).

Attended: (See vol. III.) ; Jan. 1 to Aug. 7, 1779.

Upon receipt of private intelligence of the election of Feb. 5, in which he was not chosen, Drayton raised the question in Congress, Mar. 10, whether he was entitled to continue as a delegate, and Congress decided that this private letter did not serve to vacate his seat. This decision was doubtless based on the view that the South Carolina delegates were entitled to retain their seats until officially notified of their supersession. The official notice of his election, Feb. 17, was laid before Congress July 27. Drayton is last recorded as voting Aug. 7 and probably did not attend thereafter (see no. 501). He died Sept. 4.

Thomas Heyward, jr.

Elected: Jan. 22, 1778.

Attended: (See vol. III.) ; did not attend in 1779.

Richard Hutson.

Elected: Jan. 22, 1778.

Attended: (See vol. III.) ; Jan. 1 to Feb. 26 (or later), 1779.

Hutson is last recorded as voting Feb. 26, and the next record of yeas and nays is Mar. 1. He had evidently withdrawn before news of the election of Feb. 5, which omitted him from the delegation, had reached him, for Drayton's question of Mar. 10 concerned himself alone.

Henry Laurens.

Elected: Jan. 21, 1778; Feb. 5, 1779.

Attended: (See vol. III.) ; Jan. 1 to Feb. 11 (or later) ; Feb. 25 to Oct. 22; Nov. 8 (?), 1779.

Laurens obtained leave of absence Feb. 4 but remained in his seat as late as Feb. 11. Oct. 21 he was chosen commissioner to Holland, and, although he attended and voted Oct. 22, he probably regarded this election as vacating his seat in Congress. The *Journals* do record a motion by him Nov. 8 (relative to instructions to him as commissioner), but this must be an error in the record, for Jesse Root wrote to Governor Trumbull Nov. 12 (no. 644), "Mr. Laurence left this last Saturday", which was Nov. 6.

Rawlins Lowndes.

Elected: Feb. 17, 1779 (see the note under Bee).

Did not attend.

John Mathews.

Elected: Jan. 22, 1778; Feb. 5, 1779.

Attended: (See vol. III.) ; July 27 to Dec. 31, 1779.

Arthur Middleton.

Elected: Jan. 21, 1778; Feb. 5, 1779.

Attended: (See vol. III.) ; did not attend in 1779.

Edward Rutledge.

Elected: Feb. 5, 1779 (declined; see note under Bee).

Did not attend in 1779.

For earlier terms of service see vols. I. and II.

VIRGINIA.

Thomas Adams.

Elected: May 29, 1778.

Attended: (See vol. III.) ; Jan. 7 to Apr. 28 (or later), 1779.

In May Adams, the two Lees, and Nelson resigned (*Journals of the House of Delegates*, May 7, 15), and Edmund Randolph, Gabriel Jones, James Mercer, and William Fitzhugh were chosen, June 18, in their places (see under Fitzhugh).

William Fitzhugh.

Elected: June 18, 1779 ("until the first Monday in November next"); same date ("for one year from the first Monday in November next").

Attended: Sept. 13 to Oct. 30, 1779.

There were two elections June 17, the result being enacted in a single resolve June 18. The first election was to fill the places of the four who had resigned (see the note under Adams), the second, for the choice of seven delegates for the succeeding delegation year. The credentials presented by Edmund Randolph, July 22, embodied only the first section of the resolve, that is, the filling of the four vacancies. The second section, pertaining to the appointment of delegates for the year beginning in November, does not appear to have been presented at any time. It is as follows: "[That] Gabriel Jones, Edmund Randolph, James Mercer, Patrick Henry, William Fitzhugh, Meriwether Smith, and Cyrus Griffin Esquires [be appointed], delegates to represent this commonwealth in Congress for one year from the first Monday in November next". In other words, the same four who were chosen to fill vacancies were also chosen for the full succeeding year (although in a different order), with the re-election of two of the present incumbents, Smith and Griffin, and the addition of Patrick Henry. Although Fitzhugh signed the delegation letter of Nov. 2 (no. 629), he appears to have ceased attendance (as did also James Mercer) promptly at the expiration of the first (short) term for which he was chosen.

The elections here noted were in conformity to an act of the assembly passed May 26, 1779 (see the *Journals of the House of Delegates*, and the *Journals of the Senate*, May 19-26, and *Acts . . . 1779*), entitled: "An act for the annual appointment of delegates to Congress, and of a member for the committee of the States." The act provided that at the first session of every general assembly seven persons should be chosen by joint ballot of both houses to act as delegates to Congress; provided a method of rotation whereby four should always be in attendance at Congress; declared that no person should be capable of being a delegate for more than three years in any term of six years; extended the term of those then serving (that is, from Aug. 11) until the first Monday in November next; and other provisions. The extension of term applied to William Fleming, Cyrus Griffin, and Meriwether Smith. Of the seven elected for the year November, 1779, to November, 1780, only Cyrus Griffin served any part of the term. Fitzhugh's account, given under no. 629, note 4, is for expenses only and does not indicate the number of days which he served.

William Fleming.

Elected: Dec. 14, 1778 (in the room of John Banister, resigned).

Attended: Apr. 28 to Sept. 28, 1779.

Banister's term, which Fleming was originally chosen to fill, expired Aug. 11, 1779; however, by the act of the assembly in May (see under Fitzhugh) Fleming was continued in office until the first Monday in November. Meanwhile, however, he had offered his resignation (*Journals of the House of Delegates*, Oct. 26).

Cyrus Griffin.

Elected: May 29, 1778; June 18, 1779 ("for one year from the first Monday in November next").

Attended: (See vol. III.); Jan. 1 to July 30; Aug. 25 to Dec. 31, 1779.

Under the election of May 29, 1778, Griffin's term expired Aug. 11, 1779; but by the act of May 26 he was to continue in office until the first Monday in November (see the note under Fitzhugh). Of the seven delegates elected in June for the year beginning with November, 1779, Griffin is the only one who served under that election.

James Henry.

Elected: Dec. 14, 1779.

Did not attend in 1779.

James Henry was one of four (the other three being Joseph Jones, James Madison, and John Walker) chosen to fill out the unexpired terms of four who had resigned. The four resignations recorded in the *Journals of the House of Delegates* were: Gabriel Jones (Oct. 13), Edmund Randolph and William Fleming (Oct. 26), and Meriwether Smith (Dec. 13). Unless, however,

Fleming had received an election of which no record has been found, his term expired at the end of October and therefore his resignation created no vacancy after Nov. 1. On the other hand, James Mercer's declination to serve beyond the expiration of the first (short) term for which he had been chosen (see no. 571) did create a vacancy. The credentials of Dec. 14, 1779, were not presented in Congress until the attendance of Madison, Mar. 20, 1780.

Patrick Henry.

Elected: June 18, 1779 ("for one year from the first Monday in November next").

Did not attend in 1779.

Concerning Henry's election, see the note under Fitzhugh. No record has been found of his declination or resignation or of his place being filled. For earlier periods of service see vol. I.

Gabriel Jones.

Elected: June 18, 1779 ("until the first Monday in November next"); same date ("for one year from the first Monday in November next").

Did not attend.

Jones was one of the four chosen to fill vacancies and also for the next delegation year (see the notes under Adams and Fitzhugh). His name is second in the list of the four chosen to fill vacancies and first in the list of seven chosen for the full delegation term, Randolph's having first place in the first list and second in the second list. Under the system of rotation adopted in the act of May 26 (see under Fitzhugh) the place of a delegate's name in the electoral list determined the times of his attendance. In October Jones resigned (*Journals of the House of Delegates*, Oct. 13), and his place was filled Dec. 14 (see under James Henry).

Joseph Jones.

Elected: Dec. 14, 1779.

Did not attend in 1779.

For an earlier period of service of Joseph Jones, see vol. II. Concerning the election of Dec. 14, 1779, see under James Henry.

Francis Lightfoot Lee.

Elected: May 29, 1778.

Attended: (See vol. III.); Jan. 1 to Apr. 16, 1779.

Francis Lightfoot Lee was one of four who resigned in May and whose places were filled in June (see the notes under Adams and Fitzhugh). He is last recorded as voting Apr. 14, but his account for attendance gives Apr. 16 as the date of its termination. The pertinent item in that account (N. Y. Pub. Lib., Emmet Coll.), which is for the whole period 1775-1779, is as follows:

"1779 To Attendance from the 7th Novr. 1778 to the 16 Apl. 1779	
Apl 20th inclusive being	
161 Days at 15 Dollars a day.....	£74.10.-
Travelling home from Phila. 230 Miles at 3/ a Mile.....	34.10.-
Ferriages	25. 8.3"

Richard Henry Lee.

Elected: May 29, 1778.

Attended: (See vol. III.); Feb. 20 to May 24, 1779.

Shortly before his withdrawal from Congress Richard Henry Lee submitted his resignation (presented in the House of Delegates May 15), and his place was filled June 18 (see the notes under Adams and Fitzhugh). His account for attendance will be found under no. 295, note 5.

James Madison, jr.

Elected: Dec. 14, 1779.

Did not attend in 1779.

Concerning the election of Dec. 14, see under James Henry.

James Mercer.

Elected: June 18, 1779 ("until the first Monday in November next"); same date ("for one year from the first Monday in November next").

Attended: Sept. 9 to Oct. 30, 1779.

Mercer was one of the four who received two elections June 18, the one to fill a vacancy, the other for the delegation year, November, 1779, to November, 1780 (see the notes under Adams and Fitzhugh). Although he and Fitzhugh both signed the delegation letter of Nov. 2 (no. 629), both appear to have ceased attendance Oct. 30. That is, they refrained from serving any part of the full year for which they were elected. Mercer, indeed, in his letter of Oct. 1 (no. 571) definitely declines that appointment. His account for attendance will be found under no. 629, note 4.

Thomas Nelson, jr.

Elected: Dec. 10, 1778 (in the room of John Harvie, resigned).

Attended: Feb. 18 to Apr. 22, 1779.

For earlier periods of service see vols. I. and II. Nelson resigned (*Journals of the House of Delegates*, May 7), and his place was filled June 18 (see the notes under Adams and Fitzhugh).

Edmund Randolph.

Elected: June 18, 1779 ("until the first Monday in November next"); same date ("for one year from the first Monday in November next").

Attended: July 22 to Aug. 14 (or later), 1779.

Concerning Randolph's election, see the notes under Adams and Fitzhugh. His name is first in the list of four chosen to fill vacancies, and second in the election for the full term (see under Gabriel Jones). He is last recorded as voting Aug. 14, but he may have attended two or three days longer (the next record of yeas and nays is Aug. 17). Concerning his withdrawal from Congress, see no. 578. In his account for attendance there given (note 2) he credits himself with 27 days, which, if he counted from July 22, would place the termination of his service at Aug. 17. A report drawn by him was brought in Aug. 22, but, as the committee was appointed Aug. 7, the report was doubtless prepared before his departure and submitted subsequently. His resignation was presented in the House of Delegates Oct. 26 (see under James Henry).

Meriwether Smith.

Elected: May 29, 1778; June 18, 1779 ("for one year from the first Monday in November next").

Attended: (See vol. III.) ; Jan. 1 to Sept. 28, 1779.

The term of the election of May 29, 1778, was until Aug. 11, 1779, but by the act of May 26 was extended to the first Monday in November following. Concerning this extension and also the election of June 18, 1779, see under Fitzhugh. Cf. nos. 369 A, note 4, and 466, note 2. Smith resigned Dec. 13, and on the 14th an election was held to fill the four vacancies which had then occurred (see under James Henry).

Oct. 28 and 29, by invitation of the House of Delegates, Smith appeared before that body (the Senate also attending) to give information of affairs at Congress. Oct. 30 the Senate adopted the following resolution:

"*Resolved, nemine contradicente*, That the thanks of this House be offered to Meriwether Smith, Esquire, for his candid, impartial, judicious and accurate intelligence of the transactions of Congress; and to assure him that they highly approve of his conduct as a member of that Assembly; and that the Speaker be desired to communicate the same."

John Walker.

Elected: Dec. 14, 1779 (see under James Henry).

Did not attend in 1779.

1. JOHN FELL, DIARY.¹

[January 1, 2, 1779.]

Janu'y 1st. Fryday. Commercial Committee 9 oClock. Congress Letters from G'l Gates to G'l Washington and answers relating the Canada Expedition Letter from the Governor of Connecticut to their Delegates relating to the better allowance to Officers referd to a Committee of 3 vizt. Mr. Smith, Mr. Root and Mr. Atley.²

Letter from Israel Ward³ of the State of New York, relating to his house being burnt by the Enemy, Referd to a Committee of 3. vizt. Draton, Burk and Fell Finance President requested to invite Genl. Washington to Dine⁴ At 6 P M Commercial Committee

2d. Saturday. 9 oClock. Do. [*i. e.*, Commercial Committee] 11 A M Congress. Letter from Mr. McDonald⁵ of Salem County, complaining of not being Paid for sundry goods taken per Officers. Referd to a Committee Committee of 3. vizt. Roberdeau, Root and Fell. Answerd Wards Letter. Mr. Hopkinsons Sallery Voted 3500 Doll's.⁶ Preamble to the Finance Bill agreed to be Printed Dined with the So. Carolina Delegates. City Tavern.

2. SAMUEL HOLTEN, DIARY.¹

[January 2, 1779.]

2. The Delegates of South Carolina invited the Congress and Genl. Washington to dine with them at the city Tavern. Financing Published.

3. THE PRESIDENT OF CONGRESS TO THE MARQUIS DE LAFAYETTE.¹

PHILADELPHIA, 3d Jan'y, 1779.

Sir:

The Congress have directed me to observe to you, that the Plan for emancipating Canada was conceived at a time when, from various movements of the Enemy, there was the highest Reason to expect a Speedy and total Evacuation of all the Posts they held in these States. Those Indications however proved fallacious, and the probability of their quitting the Country in the course of the Winter is become very slender, nor is it by any means certain that they will do it in the Spring. Prudence therefore dictates that the Arms of America should be employed in

[1]¹ Library of Congress, Journals and Diaries.

² See the *Journals*, and no. 9, *post*.

³ The letter was from Stephen Ward. See no. 38, *post*.

⁴ See nos. 2, 21, 22, *post*.

⁵ John Donnell. See the *Journals*, Jan. 2, Mar. 11, June 7.

⁶ Francis Hopkinson was treasurer of loans.

[2]¹ *Essex Inst. Hist. Colls.*, LV. 250.

[3]¹ Library of Congress, Papers of the Continental Congress, no. 14 (President's Letter-Book, to be hereafter so referred to in this volume), p. 8; *Correspondence of John Jay*, I. 185.

expelling the Enemy from her own Shores, before the liberation of a Neighbouring Province is undertaken. As the proportion of force necessary for our defence must be determined by the future Operations and Designs of the Enemy which cannot now be known, and as in case of another campaign it may happen to be very Inconvenient if not impossible for us to furnish our proposed Quota of Troops for the Emancipation of Canada, Congress think they ought not under such circumstances to draw their good Ally into a measure, the Issue of which depending on a variety of contingencies would be very uncertain and might be very ruinous.²

JOHN JAY.

4. JAMES DUANE TO THE GOVERNOR OF NEW YORK (GEORGE CLINTON).¹

PHILAD. 3d Jany. 1779.

Sir,

I have now the honor to acknowledge the receipt of your Excellency's favor to me, and to the Delegates collectively. The letter with the enclosures were delivered to the President, as we consider the subject of the revolt from our state particularly within his province; he being delegated for the express purpose. I cannot but think he will be at a loss for the maps whenever he finds an opportunity to take it up: your Excellency's remarks ought certainly to hasten a determination: for a more favorable conjuncture than the present is hardly to be expected. Mr. Jay has not yet held any conference with his colleagues on this interesting business: but intends soon to form a resolution, and prepare the way for its successful reception.² With respect to your favor to me individually it is only necessary to observe that any assurance for the faithful application of the specie remitted to you by Congress must be totally superfluous.

When I joined Congress I found they had for some time been engaged in the business of Finance, but had made an inconsiderable progress. As Chairman of the Treasury I was officially called to an active part. It was not till yesterday that Congress agreed on a plan for funding the money emitted in Bills of Credit; a copy will be transmitted to your Excellency by the President; to give conveyance to which I have ventured to detain the express two days.³ If the different legislatures heartily support the arrangement proposed by Congress, I flatter myself the public credit will be restored: for sufficient and known funds being once established for sinking the debt in a reasonable period, the good sense as well as monied interest of America will be on the side of government. The danger lies not in the past; but the future increase of paper money, should the war unhappily be protracted. To prevent such increase it is

² In the *Journals*, Jan. 1 (p. 14), is a draft of a letter to Lafayette submitted by a committee and approved by Congress; but it would appear that President Jay, while retaining the substance of the approved draft, recast the form. See Lafayette to Washington Jan. 5, *Letters to Washington* (ed. Sparks), II. 247.

[4]¹ Harvard Univ. Lib., Sparks MSS., XII. 59.

² See these *Letters*, vol. III., no. 668. Clinton's letter, dated Dec. 17, read in Congress Dec. 29, is in *Clinton Papers*, IV. 393. The Vermont question was not taken up in Congress until May 22. See no. 313, *post*.

³ See vol. III., no. 705, and the *Journals*, Jan. 1 and 2. Cf. no. 6, *post*.

proposed to borrow money; abroad for supplies of clothing, arms, and ammunition; at home for pay and subsistence. The first will be promoted by our ally; the last by the security derived from our sinking fund; by an immediate tax to the amount of near one fifth of the paper in circulation, and by proscribing and calling in two large emissions, which are now in circulation and artfully counterfeited. It is true the bills of those emissions may be exchanged for others where the holder prefers it to loan office certificates: but in most cases he will choose the latter: because from necessity he must wait some time before the bills for the exchange can be prepared and transmitted. Should all this fail, other means must be found out to encourage the loan. I think they are within our reach. This is however a very delicate subject. It must readily occur that it would be pernicious to give the paper money a great and sudden appreciation. As a medium it has passed from the public for more than five for one during the last ten months in which by far the greatest part of our debt has accrued. If it should be redeemed on a par, or at three or even four for one, the public would pay a premium for their supplies greater than ever was known, or which the richest nation could bear. True policy therefore lies in inclining the money towards an appreciation for the present; from the nature of things when the war closes commerce revives, and the quantity is diminished, by the operation of taxes it must rise in estimation. In all probability the bills which shall last be cancelled will be equal to the nominal value compared with specie; and that they will gradually grow better as they approach nearer and nearer to that period. I am aware of the uncertainty of all speculations upon this intricate subject. The remedy must be addressed to the reason as well as the avarice of the people.

Yesterday Col. Floyd joined us with an intention of continuing here till the first of April. His affairs he says will then call him home, and he must watch the moment when he may repossess his estate. The consequence I fear will be that this winter we shall have five Delegates when three would have served very well; and next summer we shall probably be without a representation. This I know was not the meaning of the Legislature; they do not wish to be so profuse of their money; and meant that three should stately serve, and the other two be a relief at seasonable periods. I wish the Legislature would empower your Excellency to settle our routine of duty; it is really necessary, and I feel myself particularly interested in it.* . . .

5. JAMES DUANE TO PHILIP SCHUYLER.¹

PHILAD. 3d Jan'y, 1779.

My dear General

. . . . I had not long been here before Mr. Lawrence resigned the Chair.² It was offered to New York We proposd you and it met with

⁴ Clinton's reply, Feb. 2, is in *Clinton Papers*, IV. 540.

[5]¹ N. Y. Pub. Lib., Schuyler Papers, no. 550; *ibid.*, Bancroft Coll., Schuyler Papers, no. 701 (copy); Harvard Univ. Lib., Sparks MSS., LX. 159.

² Duane took his seat Nov. 19. Laurens resigned the presidency Dec. 9. See the *Journals*, also these *Letters*, vol. III., no. 668 and note 2.

Approbation, Mr. Jay in the meantime agreeing to be your *locum tenens*.³ I had no Objection to this parade in your favour; but was firmly resolv'd that you should not if I could help it quit your high Station in the Army where you may be long and so eminently serviceable to the united States and to your own in particular: for the sake of presiding in Congress for a single Year. It would be a bad Exchange both in a publick and a private View: with respect to your own State which wants your utmost attention, it would be in the highest Degree pernicious. you are popular in the Southern Army at least: you are greatly respected by the Commander in Chief: your advice will have great Weight in Congress. In short, every measure you recommend for the protection and safety of your native State will have its full Weight while you are in the Army. In the Chair of Congress your lips will be sealed; and your Knowledge and Abilities in a great Measure lost to your Country. I am therefore clear in my Opinion, which I flatter myself will not be slighted. If it is rejected I look for good Reasons.⁴ . . .

General Washington has been here ten days by order of Congress. He seems impatient to return to the Army: but the Business for which he was sent to be advised with, will detain him a few days longer.⁵ . . .

6. WILLIAM FLOYD TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, January 3d, 1779.

Sr.

On account of the many difficulties and disappointments which I met with in crossing the North River, I did not arrive here until the 1st instant; the next day I attended Congress, and after the usual business of the morning, which is the reading of public letters, and receiving reports from the several Committees; at one o'clock (according to a rule of house which had been for some time standing that all matters before them should be laid by and Congress proceed upon the business of Finance) Finance was taken up, and I soon found there was sundry resolutions, which had been long under consideration and at length agreed to, for the purpose of raising the credit of our currency.² Some gentlemen appear very sanguine that they will have their desired good effects; I wish they may; but must confess I have great doubts.

The Resolves with a preamble are gone to the printers. If I can get them before this opportunity leaves town, I will send them to you. But you will undoubtedly receive them officially from our President very soon.

There were two other questions of importance to the several States agitated; but was, in my opinion happily, thrown out. The one was to

³ Cf. nos. 603, 668, in vol. III. of these *Letters*.

⁴ Schuyler wrote to Duane Dec. 19 that he was sending his resignation to Congress (N. Y. Pub. Lib., Ford Coll., Schuyler). His letter of resignation dated Dec. 27 was read in Congress Jan. 5. See no. 37, *post*.

⁵ See the *Journals*, Dec. 18, 24, 1778, Jan. 1, 30, 1779. Washington remained in Philadelphia until Feb. 1. Cf. no. 106, *post*.

[6]¹ Harvard Univ. Lib., Sparks MSS., XII. 57.

² See the *Journals*, Jan. 2; cf. no. 4, *ante*.

prohibit all lotteries in the several States, and the other was to cry down all bills of credit, except continental. I considered the two questions as infringing on the rights of the Legislatures of the several States and was glad to have them negated.⁸

7. WILLIAM WHIPPLE TO JOSIAH BARTLETT.¹

PHILADELPHIA 3d of Jan'y, 1779

My Dear Sir

Yesterday put a finishing stroke to the plan of finance, that was under consideration before my arrival and I suppose long before your departure. I Heartily wish it may have the desired effect. by acco'ts receiv'd from every quarter Our paper Currency is in a most miserable scituation but I hope the remedies now applied will be something more than palliatives. indeed I have not the least doubt of it if the States will exert their powers to put in execution the recommendations. I flatter myself that New H— will not be deficient in that respect. Taxation is the only means to effect a cure and every state will find great advantage in taxing as high as possible while money is plenty. Connecticut (who never loses sight of her own interest) raised £800,000 last Year by Tax, which was collected in five or six different payments. this I think was a wise measure, and I wish it may be adopted by the State whose interest I have most at heart there are but few men but will pay £25 pr. Qu'r: with more cheerfulness than £100 pr. Year in one payment. The two Emission[s] which are to be paid in by the first of June amount to 41,500,000, but this is to be redeem'd partly by Loan Certificates or new money which the artificers are now preparing the Machines for. it is said this new money can not be Counterfieted I suppose it is meant not so easily counterfieted as that now in circulation no doubt the Gentn. of the Treasury have exerted their inventive faculties to guard against the ingenuity of villains, but it must be left to time to determine their success.²

Having got pretty well over finance (at least for the present) the next standing Job, (I suppose) will be Foreign Affairs this business I expect will produce much alte[r]cation and that not without a due proportion of warmth. Our Friend who left Congress the day you did is still absent, but some late publications in the newspapers will bring him back sooner than he intended. he is expected very soon.³ all his eloquence will be used in support of his Friend and the Friends of Mr. D—— will equally exert themselves. for my part I sho'd be very willing to consign Mr.

⁸ See the reports on finance brought in Sept. 19 and Oct. 28. The propositions are nos. 13 and 16 of the former report and nos. 8 and 9 of the latter.

[7]¹ Dartmouth College Lib., Bartlett Corr., vol. II.

² Whipple wrote to Langdon Jan. 4: "A plan of finance which has been a long time under consideration has at last got into the hands of the printer. I hope it will have the desired effect, but in order thereto it must have the most speedy assistance of the several Legislatures" (Library of Congress, Force Trans., Whipple, p. 595).

³ The allusion is to Richard Henry Lee. In his letter to Gov. Weare Nov. 24 (vol. III., no. 638) Whipple states that he arrived in Philadelphia Nov. 4 and that Bartlett had left the day before (see vol. III., no. 588). Lee, it appears, left the same day (see vol. III., no. 605, note 3; also the *Journals*, Oct. 31). He returned to Congress Feb. 20.

D—— over to Common Sense,⁴ and never hear his name mention'd again

Congress is fuller than I ever knew it at this time of Year. all the States are represented. I wish I could say they were Confederated, but our Froward Sister M—— and her little Crooked Neighbour still stand out.⁵

8. JOHN FELL, DIARY.¹

[January 3, 4, 1779.]

3d. Sunday moderate weather. (Chief Justice Morris² in Town)

4th. Monday Commercial Committee 9 oClock. Congress. Letter from Genl. Sulevan relating to a Court martial, Referrd to a Committee of 3. vizt. Drayton, Atley and Ellery. Letter from Mr. Deane relating to Mr. Paynes adress.³ (Dined with Governeor Morris.) 6 P M Commercial Committee.

9. THE CONNECTICUT DELEGATES TO THE GOVERNOR OF CONNECTICUT (JONATHAN TRUMBULL).¹

PHILADELPHIA, January 4th, 1779.

Sir,

We had the honor of your favor of the 8th Decemb'r by Brown, who arrived here about the 20th.² Congress was then deeply engaged in the matter of finance, and in taking measures, at least to give some check to the rapid course of depreciation of their paper currency, to relieve its sinking credit and possibly gradually to appreciate its value. A portion of every day was set apart for that purpose, and was not closed till Saturday night last. We thought it prudent to detain Brown till we could transmit to you the proceedings of Congress on that subject, lest his return without any intelligence might fix the impression on the minds of the people that Congress was only amusing them with bare pretences, while in fact they meant to have the bills die in the possessors' hands. We are happy that it is now in our power to transmit to your Excellency such resolutions of Congress as we hope will wholly remove those impressions, and as by the co-operation of the people and the blessing of God will give permanent credit to our bills, and furnish us still with the means of our defence. The measures at present adopted relative thereto are herewith transmitted, which renders it needless to point out the same in this letter.³

⁴ Thomas Paine. See vol. III., nos. 664, note 2, 678, note 4; also the *Journals*, Jan. 5-9, 11, 12, 14, 16, and nos. 9-12, 15, 16, 18, *post*.

⁵ Maryland and Delaware. The latter acceded to the Confederation a few weeks later (see the *Journals*, Feb. 8, 16), the former not until Mar. 1, 1781.

[8]¹ Library of Congress, *Journals and Diaries*.

² A sketch of Robert Morris (1745-1815), chief justice of New Jersey, is in *N. J. Archives*, second ser., III. 446 n.; also in Appleton, *Cyclo. Am. Biog.*

³ See vol. III., no. 704, note 2. Deane's letters of Dec. 30 and Jan. 4 are in *N. Y. Hist. Soc., Collections: Deane Papers*, III. 137, 244.

[9]¹ *Mass. Hist. Soc., Collections*, seventh ser., II. 328.

² Trumbull's letter is in *Mass. Hist. Soc., Collections*, seventh ser., II. 318. His acknowledgment of the committee letters of Nov. 11 (see note 6, following) is *ibid.*, p. 320. The messenger was Jesse Brown. See the *Journals*, Mar. 17, 22, July 3.

³ See the *Journals*, Jan. 2.

possibly some other measures may be taken to restore commutative justice among the people.

Your letter and the petition of the officers in the Connecticut line to our Assembly have been laid before Congress, and referred to a committee who have not yet made their report.⁴ Possibly the Assembly will not think it proper to proceed any further on that subject than to make some reasonable provision for the support of their families, in the manner already proposed, untill they hear further from Congress on that head, which we hope will be in a few days. Indeed the officers and soldiers in the army seem to be in many respects on the same footing with our salary men, orphans, widows, etc., and hope some measures may soon be taken which will operate to the administering justice to the whole, as near as these calamitous times will possibly admit of.

A foreign loan is in contemplation, but how soon it may be effected is at present uncertain. By the best information we can obtain, the several, or most of the States in the union have taken measures to fund their own bills, and have paid and are now paying in the several taxes apportioned to them the last year, and all seem inclined to tax as high as possible.

You enquire, Sir, why the Articles of Confederation are not concluded. We have only to answer that the States of Maryland and Delaware have not yet acceded, and we are waiting with impatience for their union, and as the Articles drawn comprehend the thirteen States jointly it is at least a doubt whether the assent already gained from eleven States is not founded on the joint consent of the whole thirteen, and unless the remaining two join the whole is void, and will make it necessary to send back to each State for their approbation if no more than eleven States unite in the Confederation, which would take up much time, beside the inconvenience which might attend, therefore are still waiting in hopes of the compliance of the other two.⁵

As to what is done in consequence of the circular letters sent out by the committee to superintend the Commissary's and Quarter Master Department are not able to acquaint you, as the committee have not made any report. Therefore must refer to Mr. Sherman, who is one of that committee, for intelligence on that head.⁶

The unhappy situation of our western frontiers, as well as those of New York, are truly melancholy, and demand the greatest attention, both as it respects the present inhabitants, former settlers, and the supplies derived from them. The Board of War have reported an addition to Colo. Hartley's regiment, who is a worthy, spirited, and attentive officer, and now on the frontier part at Wyoming. We hope further additions will be made for their defence.⁷ General Washington is now in town, on

⁴ See no. 1, *ante*, and the *Journals*, Jan. 1, Feb. 16. Cf. nos. 124, 156, *post*.

⁵ See no. 7, note 5, *ante*. Cf. no. 86, *post*.

⁶ Trumbull's inquiry was concerning the activities of the committee that had sent out the circular letters of Nov. 11 (vol. III., nos. 620-623; see note 2, above). Sherman was not, however, a member of that committee, although he was appointed, Oct. 31, on a committee to inquire into abuses in the quartermaster's department, and he was also a member of the committee on the arrangement of the army (see vol. III., no. 559).

⁷ See the *Journals*, Dec. 16, 1778, Jan. 13, 1779; cf. *ibid.*, Feb. 1, 13, 25, Mar. 13, May 17.

the request of Congress, and a committee appointed to confer with him on the subject of any new or future operations, and hope something to effect will soon be done.

Mr. Dean has been fully heard by Congress, to the utmost of his wishes, but by reason of the pressure of other important business nothing is decided respecting him or his negotiations. We know not of any fault in the delay; the late publications are rather premature and unhappy, as we conceive no good will be derived from them, or useful instruction.⁸

January the 5th.—We have been obliged to detain Brown to this day, to have the quotas of the several States affixed for their present proportion of the fifteen millions dollars tax for this year, in which is apportioned to Connecticut 1,700,000—large indeed in sound, but hope may not prove disagreeable, when it is considered with how much more ease so large a sum may be now paid than a much less in future, and that what they overpay now will be allowed to their account, and diminish our proportion of those which will succeed, beside an interest on the overplus in the same manner as that recommended the last year. We have transmitted to your Excellency the copies of the resolutions of Congress on these matters, with the quotas affixed to each State,⁹ and though through the diversity of the circumstances and interest of individuals, a variety of opinions may be formed, yet we hope they will be received with candor, prove in general satisfactory, and that every one will endeavour to promote the great and good ends therein designed.

Are, with the greatest esteem and respect,

Your Excellency's most obedt., hble. servants.

ELIPH'T DYER.

OLIVER ELSWORTH.¹⁰

JESSE ROOT.

IO. WILLIAM FLOYD TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, Jan. 5th, 1779.

Sir,

I do myself the pleasure to enclose this day's paper to you, containing the ultimatum of Congress on the affair of Finance, and a publication from Common Sense with what other little news we have here.

The publications of Mr. Dean, and Mr. Paine, makes a great talk in this place, and I am afraid will throw Congress and the people at large into violent parties.²

I am told that the late President declined his seat as president because Congress would not take up Mr. Dean's publication in a way which he thought proper. In ballotting for a new President, they came in favor of Mr. Jay, who is now our President.³

⁸ See vol. III., no. 669, note 3, also nos. 7, *ante*, 10-12, 15, 16, 18, *post*.

⁹ See the *Journals*, Jan. 5.

¹⁰ Here, as in several other instances in which the source is a copy, the text in Mass. Hist. Soc., *Collections*, has the incorrect spelling "Elsworth".

[10]¹ Harvard Univ. Lib., Sparks MSS., XII. 63.

² See nos. 7, 9, *ante*, and nos. 11, 12, 15, 16, 18, *post*.

³ See no. 5, *ante*.

There is nothing yet done with respect to the Vermont business, not owing to any neglect of our members; but that it was not possible to bring on that, or any other matter of importance, while the grand business of Finance was under consideration. Now that is over, I expect we shall soon take it up, and I obtain something decisive from Congress on the subject.

In conversation yesterday, I mentioned the affair to Mr. Drayton who fully agreed with me that the consequences of their holding their independence would be a means of producing fifty new States, therefore must by no means be allowed.⁴

From, Sr., your most obedt. Servt.

WM. FLOYD.

II. HENRY LAURENS TO JOHN SULLIVAN.¹

PHILADELPHIA 5th Jany 1779.

Dear Sir,

Although I have but a few minutes allowed me for writing by this Messenger Brown I cannot suffer him to pass without acknowledging and thanking you for your favor of the 15th Ultio. Yesterday I recd. your public address under the Ultio. inclosing the proceedings of a Court Martial in the cases of Crossing and his coadjutors these I delivered to the present President and they were read in Congress.² I had the honor of resigning the Chair on the 9th December for reasons which then appeared to me to be good and which subsequent circumstances have proved to be so. Love of order and an high respect for a great Representative, restrains my pen from an explanation at present.

I am reduced to a private station but do not mean to turn my back on Congress immediately, therefore Sir, I shall endeavor to merit a continuance of your correspondence by contributing the best offerings on my part.

Inclosed with this you will receive this days *Packet* with a continuation of Common Sense, and a plan calculated by Congress for lessening the quantity of Paper Circulation and appreciating the Value of the remainder.³—Time will prove its efficacy—Oeconomy, Taxation and Open Ports would be infallible.

I have the honor to be with the highest Esteem and Regard Sir

Your obedient and Most humble Servt

HENRY LAURENS

12. FRANCIS LIGHTFOOT LEE TO RICHARD HENRY LEE.¹

PHILADELPHIA Jany 5 1779.

Dear Bro:

. . . . Common Sense has attacked Mr: Deane something in his own way, but I think has not made the best use of the materials in his hands: however it appears he has stung the Gentl., for he has had the impudence

⁴ See vol. III., no. 668, and no. 4, *ante*.

[11]¹ Library of Congress, U. S. Revolution.

² See the *Journals*, Jan. 4, and nos. 52, 169, *post*.

³ See the *Journals*, Jan. 2.

[12]¹ *N. E. Hist. and Geneal. Reg.*, XXXV. 84; *Maine Hist. Soc., Revolution*, no. 4.

to complain to Congress, of his being abused by Payne in his official character, in consequence of which we have had some warm debates, not much to Mr: Deanes advantage.²

Your piece³ is in the hands of Mr. Adams for his opinion; tho I am inclined to delay it till you come, as the public is likely to be entertained in the mean time. Finance is finished, 15 million dollars raised by tax this year, 6 million yearly for 16 years as a sinking fund, the two last large emissions, amounting to 40 odd millions, which are supposed most counterfeited, are called in by the 1st June, and new money given in Exchange. I fear the plan will not sufficiently check the rapid depreciation which has lately taken place as the money has almost ceased to be current in the Eastern States. . . .

13. JOHN FELL, DIARY.¹

[January 5, 1779.]

5th. Tuesday. Do. [*i. e.*, Commercial Committee] 9 oClock. P M²
Dined w'th Genl. Washington Congress Lievt. Coll. Fluerys Letter
Read and debated Letter from Genl. Schuyler with his Resignation to
confer with Genl. Washington on the subject carried in the negative.³
Proportion of the Taxes of Each State⁴ . . .

NB Georgia being invaded Pays no Part of this Tax

14. SAMUEL HOLTEN, DIARY.¹

[January 5, 6, 1779.]

5. Genl. Washington invited Congress to dine with him at the city tavern and we dined accordingly.

6. Congress spent part of the Day considering the publication of Com. Sense on Mr. Deane's affairs.²

15. SAMUEL ADAMS TO JAMES WARREN.¹

Dear Sir,

PHILADELPHIA, Jan'y 6, 1779.

In your last you ask me, "How Matters have stood since the Recall."²
I will answer this Question at another Time when I shall have more

² See Deane's letters of Dec. 30 and Jan. 4, read in Congress Dec. 31 and Jan. 4, respectively (Wharton, *Rev. Dipl. Corr.*, II. 869, III. 9; N. Y. Hist. Soc., *Collections: Deane Papers*, III. 137, 244). Cf. nos. 7-11, *ante*, 15, 16, 18, *post*.

³ This may have been Richard Henry Lee's address to Silas Deane, found in *Letters* (ed. Ballagh), II. 11, or possibly it was certain queries found among the Samuel Adams Papers (end of 1779), accompanied by a note of Richard Henry Lee forwarding the piece to Dunlap.

[13]¹ Library of Congress, Journals and Diaries.

² The "9 oClock" was no doubt the morning hour at which the commercial committee customarily met. The "P M" should probably be understood as applying particularly to dining with General Washington, not necessarily to all the entries which follow. The Fleury matter, for instance, probably came up early in the day.

³ See no. 5, *ante*, and no. 37, *post*.

⁴ The quotas, being in the *Journals*, are here omitted.

[14]¹ *Essex Inst. Hist. Colls.*, LV. 250.

² See nos. 17, 18 (note 2), 23, 34, 35, 36, 39, *post*.

[15]¹ Mass. Hist. Soc., Warren MSS., vol. III., p. 234; N. Y. Pub. Lib., Samuel Adams Papers (draft); *Writings* (ed. Cushing), IV. 113.

² The inquiry is in a letter of Dec. 8 (N. Y. Pub. Lib., Samuel Adams Papers).

Leisure; and at present only say, that Mr. D—— arrivd here, I think, in July and in August he was admitted into the House, or, to use his own Phrase, *had an Audience*, in which, with as much Vanity as I ever saw in a Man of Sense, he appeard to assume to himself almost the whole Merit of all the Services that had been renderd, at least by Americans, in France; as if he would have it to be beleivd, that one of his Colleagues had done but little if anything, the other worse than nothing, himself everything. And with equal Spleen and ill Nature, he would even go out of the Path of Decency and Propriety to draw in Invectives and diminish the Characters of the two Mr. Lees and Mr. Izard. In short his publication which you have seen is a Specimen of his Narrative.³ Mr. A. L.,⁴ you are fully sensible, was most indefatigable in supporting our Cause in England. By penetrating into the Designs of a most unprincipled Court, he was able to give us the most timely and important Intelligence, which he did at the Risque of his Life, while Mr. ——⁵ was in the opinion of some of his own Countrymen as well as others, of a doubtful political Character. Mr. Lee continued to transmit to our Friends in France as well as to Congress, before he left England, the most accurate State of things there. Such was the opinion entertaind by Congress of his Abilities, his Integrity, and his Zeal and Attachment to his Country, which indeed had been long experienced, that he was employed as a most useful and necessary Man. . . .

16. SAMUEL ADAMS TO SAMUEL COOPER.¹

Jan'y 6 —79

My dear Sir,

I wrote to you on the 3d Inst. by Express and then promis'd to write again by the first good Opportunity.²

In the latter End of 75 one of the Characters³ in my last was left out of the Delegation of the Colony he had represented, and a Number of his Friends gave him a sort of Certificate or Letter of Recommendation as they had before done to one of your Delegates, which led me to think it was their Opinion he needed a Prop in his own Country. Soon after, the Congress appointed a secret Committee of Commerce, with a View of procuring from abroad the necessary Articles for carrying on the War. They also appointed a secret Committee of Correspondence. Their Business was to form political Connections abroad and to feel the pulsations of foreign Powers and particularly France. The first of these Committees engag'd Mr. —— to go to that Kingdom for the purpose of their Commission and the Corresponding Com^e took the Advantage of his in-

³ This account would appear, on the face of it, to apply to Deane's first hearings in Congress (see the *Journals*, Aug. 13, 15, 17, 19, 21), but it is no doubt colored by Adams's impressions of more recent audiences. Cf. vol. III., no. 697. See also nos. 9-12, *ante*, and nos. 16, 18, *post*.

⁴ Arthur Lee.

⁵ Deane.

[16]¹ *Writings* (ed. Cushing), IV. 115.

² The letter is in *Writings*, IV. 111.

³ Silas Deane. "Mr. ——" in the first and third instances below is also Deane. See especially vol. III., no. 564.

tended Residence there to facilitate the salutary Purpose of their Appointment. At the same Time they wrote a Letter to Mr. ———⁴ then in England from whom the Congress had before received the most accurate Intelligence, requesting a Correspondence with him and pledging Secrecy and Confidence. Mr. ——— arrived in France in June 76. Thus you see we had an Intelligencer to let us know what was doing or meditating against us in England; and a political Commercial Agent who was to inform us what was doing or could be done for us in France. The one had before settled a Correspondence and formed Connections in several parts of the Continent of Europe and particularly France; the other was a perfect Stranger in every Nation in Europe, but bearing Letters to considerable Men there. The one was altogether the political Man, the other had to do with Commerce as well as politics. The one by his Address obtained in England such Assurances as satisfied him that France would afford such Aid to America as she could consistently, the other was better skilled in the commercial Part of his Agency than the political. The one in London in the Months of March and April discovered that he might successfully and actually did treat with a Merchant in France of no Capital but a favorite at Court for a Supply to the Value of £200,000 sterling—the other arrived in the Month of June following, found him out and was somehow concerned in forwarding the Supplies thus contracted for. I dare say you are apt to draw this Conclusion that the one was the political Negotiator in this Instance and the other the Commercial Agent only—yet, will you believe it, it is positively affirmed that the one did every thing and the other Nothing. I will explain it to you in my next.⁵

17. JOHN FELL, DIARY.¹

1779, Jan'y 6th. Wednesday. Commercial Committee 9 oClock. Congress. Letter from Genl. Sullivan to Genl. Washington Letter from Lt. Brownrigg to his Mother in Ireland.² Do. from the State of Maryland respecting the Confederation, and approving of the Alliance with France Letter from Thos. Payne. Order for Mr. Dunlap respecting Printing a Paper. Order for T Payne whether he was the Author, acknowledged himself the author and dismissed. Debate ensued³

18. GOUVERNEUR MORRIS, SPEECH.¹

[January 7 (?), 1779.]

Mr. President,

As the several motions on your table appear to be founded upon the same principle, I shall make some few observations which relate to them all, without balancing their respective merits, or taking notice of the many

⁴ Arthur Lee.

⁵ Cf. no. 15, *ante*, and no. 45, *post*.

[17]¹ Library of Congress, Journals and Diaries.

² This was an intercepted letter transmitted by Sullivan to Washington. See the *Journals*.

³ See the *Journals*, Jan. 5, 6, and nos. 18, 23, 34, 35, 36, 39, *post*.

[18]¹ Sparks, *Life of Gouverneur Morris*, I. 200.

inaccuracies with which they abound.² It gave me great pain, Sir, to hear in the debates, both of yesterday and this morning, the word *party* made use of. This is a word which can do no good, but may produce much evil. If there be a party among us, the name is unnecessary. If there be not, it is unjust. And, certainly, there is not. There is indeed in this House a chosen band of patriots, who have a proper respect for each other's opinion, a proper sense of each other's feelings, and whose bosoms glow with equal ardor in the common cause, but no *party*.

Gentlemen mean nothing but the public good, though sometimes they mistake their object. But I would warn them against indulging too far this tenderness for each other. When *one* has in view a favorite object, or has adopted a favorite opinion, others hastily catch the idea. The warm effusion flies from breast to breast, and reason lags in the pursuit. Hence arises a prepossession, which reason combats in vain.

I hope for indulgence, whilst I state the case before us as it really exists. I know that a gentleman stands in a disagreeable attitude, whilst combatting principles, which *appear* to flow from a regard to the privileges of a citizen, and respect for the rights of mankind. Yesterday we were told by an honorable member, that these rights and privileges would be drawn into question. This he ventured to prophesy and warned us to beware. On this occasion the honorable member was in capacity to be an excellent prophet; a very excellent prophet, Mr President. But I am not to be terrified by these shadows. I trust I shall be able to show, that the rights of a citizen are nowise concerned in the determination on the matter before us.

Gentlemen exclaim, "do not deprive Mr Paine of his office, without giving him a copy of the charge; do not punish a citizen unheard!" I ask on what tenure he holds that office. Is it during good behavior? If it be, he must be convicted of misconduct, before he can be removed. But we are not the proper court to take cognizance of such causes. We have no criminal jurisdiction clearly; then, he ought not to be heard before us. But he does not hold his office during good behavior; it is during pleasure. And what are we? The sovereign power, who appointed, and who, when he no longer pleases us, may remove him. Nothing more is desired. We do not wish to punish him.

What then do we ask? To turn a man out of office, who ought never to have been in it. Let us examine the circumstances. Mr Paine, Secretary to the Committee of Foreign Affairs, styling himself *Secretary of Foreign Affairs*, acknowledges himself to be the author of a publication highly dishonorable to his most Christian Majesty, and very injurious to

² On Jan. 5 the minister of France had presented to Congress a memorial protesting against certain passages in one of the articles by "Common Sense" ("Common Sense to the Public on Mr. Deane's Affair", which had appeared in installments in the *Pennsylvania Packet*, Dec. 31, Jan. 2, 5, 7, 9), and in consequence of which the author, Thomas Paine, was called before the bar of the house. See the *Journals*, Jan. 5-12, 16. Morris's speech was doubtless made Jan. 7, on the motion that Paine be dismissed. Impatient over the delay on the part of Congress in taking the steps which he deemed proper, Gérard presented a second memorial on the subject Jan. 10 (read Jan. 11). Paine's article is in N. Y. Hist. Soc., *Collections: Deane Papers*, III. 209-239; Gérard's memorials are *ibid.*, pp. 246, 253, and Wharton, *Rev. Dipl. Corr.*, III. 11, 16. See also no. 17, *ante*, and nos. 23, 35, 36, 39, *post*.

him and us. Dishonorable to the King of France, because it is in direct contradiction to repeated assurances given to the British court. Injurious to our mutual interests, because it enables the Ministers of Great Britain to charge France with a breach of the treaties, and call upon other courts for the performance of engagements entered into, upon a view to that contingency. Gentlemen, who know Mr Paine, may be unwilling to believe this. It deserves consideration. The Secretary of Foreign Affairs is the person, who, of all others, must from the nature of his office be best acquainted with such transactions. His assertions, therefore, contain the fullest weight, which knowledge can give. And not only so, but from the importance of that office, none but the most approved and exalted character would be, by a wise people, entrusted to fill it. And, therefore, the ideas annexed to such a character will serve to authenticate his assertions.

Foreigners, Sir, have not an adequate idea of the manner, in which business is conducted in this House, nor the difficulties we have labored under. They are led to compare everything on the scale of their own experience. And what would be the idea of a gentleman in Europe of this Mr Paine? Would he not suppose him to be a man of the most affluent fortune, born in this country of a respectable family, with wide and great connexions, and endued with the nicest sense of honor? Certainly he would suppose, that all these pledges of fidelity were necessary to a people in our critical circumstances. But, alas, what would he think, should he accidentally be informed, that this, our Secretary of Foreign Affairs, was a mere adventurer *from England*, without fortune, without family or connexions, ignorant even of grammar? Could he believe this? And if assured of the fact, and if possessed of common sense, would he not think that we were devoid of it? And yet, Sir, this is the man whom we would remove from office, and this is the man, who has been just now puffed as of great importance.

Considering the case as it stands before us, there are three objects which require our attention. The first is, to obviate the ill effects of his publication. The second, to remove him from office. And the third, to assign proper reasons for that conduct, so as to connect the two first propositions together, and give a greater weight to all our measures.

In order to obviate the ill consequences of his mad assertions, we must pointedly contradict them. I say we *must* contradict them, for to such a deplorable situation has this man reduced us, that, although many gentlemen in the House might be of a different opinion, they would find themselves urged by irresistible motives of policy to contradict his assertions. Happily, we have on our table the fullest evidence to ground a declaration, that what he has published is untrue.

We must then proceed to assign our reasons for removing him from his office. These cannot be wanting. For, in the first place, he never was fit for it; and, in the second place, he has abused it in the instance before us most flagrantly, and therefore is utterly undeserving of any farther confidence.

Lastly, we must remove him, for without this, in contradicting him, we shall not be believed. Nor is this the worst of the matter. The pre-

sumption is, that he would not have written these things without our consent, and therefore a disavowal of the person becomes necessary, not only to give credit to a disavowal of the thing, but to convince our allies, that we ourselves are not the authors of this infamous falsehood. And here gentlemen step in and tell us of Mr Paine's importance. Sir, were he really of importance, nay, more, were his assertions really true, I should not hesitate a moment to dismiss him from our service. Duty to our ally requires it. Duty to ourselves requires it. Look at his threatening letter on your table. What! are we reduced to such a situation, that our servants shall abuse the confidence reposed in them, shall beard us with insolent menaces, and we shall fear to dismiss them without granting a trial forsooth? And what are we to try? Has he not acknowledged himself to be the author of those exceptionable paragraphs? Are we not able to judge of them, and to determine what they mean? Do we not know, that they contain a falsehood? Suppose Mr Paine to be now standing at our bar, what would you do? Would you confess an ignorance of language, and ask what those paragraphs mean? Surely you would not. Would you ask him whether the idea contained in them is true or false? It is utterly unnecessary. His answer is ready; that they are true. But we know them to be false, and we can hardly be so weak as to balance in our judgment between Mr Paine's opinion, and the full evidence on our table.

What then remains, unless it be to ask his advice as to our future conduct! Sir, he will tell us that he is Thomas Paine, author of all the writings under the signature of COMMON SENSE, and Secretary of Foreign Affairs; that he is a man of infinite importance, far more entitled to our respect, than the most Christian King, and that we must not dare to dismiss him from our service, because to his other titles he adds that of a "Citizen of Pennsylvania". And should we take his advice? And shall we be moved by his threats? And shall we be amused by paltry tales of this person's importance? I hope not. I am confident we should not have wasted so much time, and had so many motions on this subject, but that some gentlemen feel themselves interested in supporting *the rights of a citizen*; and but for that mutual confidence, and good opinion, and reciprocal sentiment, which are too apt to mislead those, who are not constantly under the guard of reason.³

19. HENRY LAURENS, MEMORANDUM.¹

[January 7, 1779.]²

The Honorable Robert Morris Esquire, late Chairman of the Secret and Commercial Committees, and thro' whose hands all the transactions

³ Sparks states (*Life of Morris*, I, 199) that on the back of Morris's copy of this speech was a memorandum, "taken down from memory to obviate misrepresentation".

[19]¹ Long Island Hist. Soc., Laurens Papers; S. C. Hist. Soc., Laurens Papers, vol. I., no. 19.

² This "Anecdote" respecting Robert Morris and the books of the secret committee is without date, but it is possible that it was prepared by Laurens for the use of Thomas Paine and served as the basis for Paine's insinuating paragraph which called forth Robert Morris's Statement of Jan. 7 (no. 20, *post*).

of the former, and almost all of the latter had passed, did in the Month of October 1777³ inform Congress that he had obtained from his State Leave of absence for six Months, in order to settle and adjust his private Affairs, and he then moved the House for leave to take into his custody the Books of the Secret Committee, promising to adjust the Accounts contained in those Books in the course of a Month or two. The Books were accordingly put into Mr. Morris' hands, and transported from York to his House at Manheim. Some time in February 1778 Mr. Morris having been informed by a tale Bearer⁴ out of Congress that his Conduct had been freely discanted upon respecting those Books, threatnd by Letter to return them, unless the contrary should be particularly requested by Congress—no notice was taken of this menace. Mr. Morris nevertheless continued to hold the Books until near the middle of September 1778, when he informed Congress that he found the Books in such confusion he could make nothing of them, that he did not know he had anything more to do with them than any body else, and that he should send them back to the Committee—and he did so.⁵

The 14th December 1778⁶ Mr. Morris having been informed that the Books were lodged in the hands of Mr. Laurens, sent a message to Mr. Laurens desiring the Books might be returned to him, he was sure nobody but himself could settle them. Mr. Laurens replied, it would be altogether irregular to put the Books out of his, into the hands of a Gentleman not a Member of Congress, that he should make an essay for adjusting them, and that when he should stand in need of assistance or information from Mr. Morris, he would take the liberty to call on him.

[Endorsed:] Anecdote Respecting Robert Morris Esquire and the books of the Secret Committee.

20. ROBERT MORRIS, STATEMENT.¹

To the Public.

. . . . I shall now give the true state of these matters.² My leave of absence from Congress was obtained from the Supreme Executive Council at Lancaster, the 11th day of November 1777, and bears that date.

³ Morris states (no. 20, *post*) that this was on Nov. 28, 1777.

⁴ Doubtless John Penn is meant. See his letter to Morris, Feb. 4, 1778, vol. III., no. 74; also *ibid.*, nos. 133, 462 (note 14). Cf. nos. 20, 30, 401, 414, 420, *post*. See also no. 48, note 5, *post*.

⁵ Cf. the *Journals*, Sept. 4, 1778, and no. 20, *post*.

⁶ In Laurens's reply to Morris (no. 24, *post*) he is not so definite.

[20]¹ *Pennsylvania Packet*, Jan. 9, 1779; *Royal Gazette*, Jan. 23, 1779; Almon's *Remembrancer*, 1778-1779, p. 382; N. Y. Hist. Soc., *Collections: Deane Papers*, III. 259; Library of Congress, Morris Papers (draft).

² Morris first replies to an insinuation of Thomas Paine in the article "Common Sense to the Public on Mr. Deane's Affair" (see no. 18, note 2, *ante*), namely: "I wish in this place to step for a moment from the floor of office, and press it on every State, to enquire what mercantile connections and of their *late* or present Delegates have had or now have with Mr. Deane, and that a precedent might not be wanting, it is important that this State, *Pennsylvania, should begin*" (N. Y. Hist. Soc., *Collections: Deane Papers*, III. 218). Morris then replies to Paine's charge of neglect in settling the accounts of the secret or commercial committee (*ibid.*, p. 226). There are other occasional insinuations pointed at Morris. Paine's reply to this statement is *ibid.*, p. 266, taken from the *Pennsylvania Packet* of Jan. 12.

I returned to Congress, and on the 28th of November informed them of my leave of absence obtained to settle the affairs of the late house of Willing Morris and Co. as well as my own; and as some leisure time might occur, I offered in full Congress to take home the books of the Secret Committee, which were then unemployed, and devote what time I could spare to them. The offer was accepted by general consent, although no resolution was entered, it being unnecessary. The day I left Congress, I was appointed on a Committee to repair to Head-Quarters,³ from whence I did not return to Manheim, then my place of residence, until the 14th or 15th day of December, at which time the books were not arrived, nor did they reach me until the latter end of that month. I deny that Congress called on me for those books in February, but early in that month I was informed that some matters to my prejudice had been insinuated by a Member in Congress respecting these books,⁴ whereupon I wrote a letter dated the 8th February, 1778, to the Commercial Committee (who then had the direction of them) complaining of the injury and offering to return them, and received an answer dated the 21st February, containing the following clause: "We laid this letter (meaning mine of the 8th) before Congress, who desired us to inform you, that they would have you still keep the books in your possession and settle them as soon as you could."⁵ Accordingly I retained them, and until they were re-delivered, employed on them the little leisure which remained from my private avocations, and the many interruptions occasioned by public business which pursued me in my retirement, and many times obliged me to visit York-Town, each visit taking up from four to six days.

In the beginning of June I went to camp at Valley-Forge, and remained there until the evacuation of this city; after a week's stay here I returned to Manheim to bring down my family and effects. I was again in Philadelphia the 4th day of July, the anniversary of our glorious Independence, and in the course of a week or ten days my effects, and with them the books in question, came down and remained unopened until I delivered them to the Clerk of the Commercial Committee, which I think was in that month, July. Thus it appears, that instead of having these books to work in from October, 1777, to September, 1778, it was in my power to do so only from the latter end of December, 1777, to the first of June, 1778; and although but little of that time could possibly be devoted to them, they were far from being returned in the same or nearly the same unsettled state they were received; on the contrary these books will shew that I settled a number of accounts, the entries being made with my own hand in the waste book, and then journalized and posted by my clerks until the ledger was filled and no room to open any more accounts in it. I sent to Lancaster to procure paper of the same size to be sewed into that book that I might go on, but none suitable could be got, and I was obliged to stop.

³ See the *Journals*, Nov. 28, 1777.

⁴ Morris may refer to the letter of John Penn, vol. III., no. 74, although Penn's words are, "some members at times drop expressions on that subject that I do not like". Henry Laurens understood that he was the member alluded to by Morris. See no. 19, *ante*, and nos. 24, 30, *post*.

⁵ The letter of the commercial committee, signed by Francis Lewis and William Ellery, will be found in vol. III., no. 109.

Mr. Thomas Morris's papers were seized on his death in France by the King's officers, according to the custom in that country. they were afterwards delivered to and kept by the American Commissioners until orders should appear respecting them from hence. I applied to Congress for an order to have them delivered to my Agent, and though at that time ignorant of the state of his accounts, I pledged myself to Congress, although no ways bound to do so, that I would pay any balance that might be due from him to the public.⁶ These papers I have not yet received, nor do I know whether the order for them has reached my Agent's hands, but the house at Nantes, who under my brother's direction, transacted all his business, have rendered full, and I am told, clear accounts of all the public concerns to the Commercial Committee, so that there is no embarrassment that I know of, and instead of his being a debtor, the balance is in favour of that house, 50,380 *livres 2 sous 9 denier*, or about 2204 *l. 2 s. 6 d.* sterling, which they stopped from monies of Willing, Morris and Company, in their hands, and have empowered me to receive the same from Congress.

By the manner of mentioning that the amount of expenditures on the Committee's books is considerably above two millions of dollars, some people may be led to imagine that I stand accountable for that sum. The fact is thus—the accounts in these books are kept by double entry, and the Treasurer and Auditor are credited for all the monies drawn from them by the Committee, those who received are charged and accountable for what they did receive. Many Gentlemen from New-Hampshire to Georgia entered into contracts for procuring supplies, on which they received part of this money, for which they have accounted or are to account, and in like manner is my late house and myself to account for all monies by them and me received.

Twice I have settled Willing, Morris and Company's accounts with the Secret Committee, and the entries thereof are in their books. The last was closed in May, 1778, with a balance in favour of the former. There are, is is true, many things yet to be settled; I have made out a state of them, and would most gladly make a final settlement if practicable: That cannot now be done, because some account sales and accounts current are not yet received from Europe, and many articles of goods, which are finally to be articles of these accounts, have been by inevitable accidents, lodged in the West-Indies, and must be carried to account, in different ways, on the contingency of their safe arrival within the United States. On the best computation I can make of all the depending accounts my late house and myself have with the Continent, it clearly appears that a considerable balance is due to us, and I shall either make a speedy settlement, or if circumstances continue to keep that out of my power, I will lay before Congress a full state and clear estimate of these dependencies, when I doubt not, they will do ample justice to my character.

Out of respect to that public with which I wish to stand as fair as my real conduct and character deserve, I must add, that so far have I been from protracting the settlement of public accounts, that I have on all

⁶ See the *Journals*, Sept. 4, 1778; also Franklin to Ross Apr. 26, 1778, in Wharton, *Rev. Dipl. Corr.*, II. 560.

occasions promoted such settlements, and all measures that tended thereto. In November 1777, before I left Congress at York-Town, I drew a report from the Commercial Committee, for establishing a Board of Commissioners to manage the public commerce, and of course to settle those accounts, urging that it was impossible for Members of Congress, if ever so well acquainted with business, to attend the House and do that duty. I pressed this frequently, but the report meeting with some opposition, remains to this day undetermined on.⁷

After joining Congress again in this city, I moved that the Members of the Secret Committee, who were then Members of Congress, might, as being most competent, be re-appointed a Committee to finish the settlement of their accounts, which was agreed, but those Members being much engaged in other business could not attend, and therefore with the concurrence of one of them that did attend, I hired an accountant to work on their books, which he did until stopped by sickness in the first instance, and when he returned to the business he was discharged by a Member of the new appointed Commercial Committee, who, I understand, have undertaken to finish the settlement of these accounts.⁸

I will only add, that it is in my power to prove by papers in my possession, papers and records in the public offices, or by living witnesses of unquestionable character, every fact and circumstance that I have laid before the public.⁹

ROBERT MORRIS.

PHILADELPHIA, January 7, 1779. . . .

21. JOHN FELL, DIARY.¹

[January 7, 8, 1779.]

7th. *Thursday* Commercial Committee 9 o'Clock. Letter read from Thos. Payne debate concerning him lasted all Day.² Mr. Thos. Adams from Virginia³ Dined with President Jay.

8th. *Friday*. Commercial Committee 9 o'Clock. Congress Letter read from T Payne with his Resignation, debates on the subject lasted till Past 4 o'Clock; Dr. Weatherspoon went home: Dined with Congress⁴

22. SAMUEL HOLTEN, DIARY.¹

[January 8, 1779.]

8. Congress sit till 4 o'Clock and then dined at the city tavern, where they had invited Genl. Washington and a number of other Gentlemen to dine with them.²

⁷ In a letter to William Whipple Sept. 4, 1777 (vol. II., no. 624), Morris speaks of his part in securing the reorganization of the secret committee into the commercial committee. See also *ibid.*, nos. 185, 246, 253.

⁸ See the *Journals*, Sept. 4, Dec. 14, 1778.

⁹ See nos. 24, 28, 30, 31, 43, 81, 85, *post*. Cf. vol. III., no. 462. Following this article, both in the printed texts and in the draft, is a note by Morris requesting such printers as may republish the papers of "Common Sense" to republish with them his article and draw upon him for the charge of printing.

[21]¹ Library of Congress, *Journals and Diaries*.

² See nos. 10, 12, 15, 18, *ante*, and no. 35, *post*.

³ That is, Thomas Adams attended.

⁴ Cf. no. 1, *ante*, no. 22, *post*.

[22]¹ *Essex Inst. Hist. Colls.*, LV. 250.

² See nos. 1, 21, *ante*.

23. JOHN FELL, DIARY.¹

[January 9, 1779.]

9th. Saturday Commercial Committee 9 oClock. Congress Letter from Genl. Putman, giving an acct. of Huntingtons Regiment attempting to Mutiny, confind some and Prevaild on the rest to return to their Duty. Referrd to the Committee to conferr with Genl. Washington. Letters from Coll. Beatty and Genl. Portail were read referrd to the same Committee; ² Coll. Beatty wanted to have his Powers defined, that he may Act in his department of Commissary General of Prisoners, without being controld per the Officer on the Post etc. 2 Brigadier Generals appointed by Ballot for No. Carolina viz. Sommer 13. Hogen 9. Clark 4 (? first[]) ³ 1 Do. for Maryland Col Gist. Letter Read from Mr. McPherson, desiring an appointment debate concerning Mr. Payne lasted till 5 P M.⁴

24. HENRY LAURENS, MINUTES OF PROCEEDINGS.¹

[January 9, 1779.]

Mr. Laurens requested to be indulged in a few words in order to remove prejudices from the minds of the Members

He then produced a News Paper containing a Publication signed Robert Morris and read the following Paragraph Vizt.² he observed that he did not put on the Cap or make an application because it fitted but because the application had been made to him and then appealed to the Hon'ble Mr. Penn ³—that he had not insinuated but asserted certain facts which had been reported to him at York Town, recapitulated the information he had received respecting the exportation of a Cargo of about 470 Hdds of Tobacco, the Bills of Loading which were filled up to be delivered to the order of Willing, Morris and Co or W and M—— that the question was asked Mr. M—— on whose account the Tobacco was he replied that it would be determined at a proper time, that the Vessel was Captured, when by accounts it appeared that only a small quantity about 11 Hogsds—appeared to be on Account of W M and Co or W and M and the rest on Public Account, that he had asserted this in Congress at York Town that he then appealed to the Hon. Gentn. who had given him the information that the Gent. called upon him in the Evening and said he was very sorry he Mr. L had mentioned the affair. Mr. Laurens asked him why because said the Gent. I had determined to mention the matter to Mr. Morris himself that he replied you know Sir I told you at the

[23]¹ Library of Congress, Journals and Diaries.

² Cf. no. 26, *post*.

³ The numbers after the names of Sumner, Hogan, and Clark indicate the votes for them, respectively. The word "first", following the vote for Clark, doubtless means that Clark was first nominated. The interrogation is in the original. See the *Journals*, Dec. 29, 1778, and nos. 27, 33, 40, *post*.

⁴ See nos. 17, 18, *ante*, and nos. 34, 35, 36, 39, *post*.

[24]¹ L. I. Hist. Soc., Laurens Papers.

² See the *Journals*, Jan. 9. The paragraph read is not included in these minutes, but it was doubtless that passage in which Morris refers to the insinuations of a member of Congress in February, 1778. See no. 20, note 4, *ante*. Cf. nos. 30, 31, *post*.

³ See vol. III., no. 74.

time that such a circumstance ought not be kept a secret that Justice to Mr. Morris as well as to the Public forbid it.

that the honorable Gentn. who had given him the information at York Town was now on the floor and he was sure he had candor and generosity enough to confirm what he had said.⁴

25. JAMES DUANE TO GEORGE WASHINGTON.¹

PHIL. 9th Jan'y 1779

Sir

In order to give Dispatch to the several Matters mentioned in your Excellency's Report to the Committee² it is proposed to offer Resolutions to Congress on the Heads you enumerate. We wish that the Remedy may be effectual and think it happy that we can be favoured with your Assistance. We therefore request that you will be pleased to point out what ought to be done with respect to the Arrangement of the Army—the Department of Artillery and Ordinance [*sic*] the Cloathing Department the Inspectorship and the Branch of Engineers.

Indeed we think it would be adviseable to vest the Commander in Chief with power to make these and every other Arrangement for the good Government of the Army by forming a compleat System to be adopted by Congress as their Act. We submit this last Suggestion to your Excellency's Consideration being unwilling to throw any Burthens upon you which may be disagreeable.

26. JAMES DUANE TO GEORGE WASHINGTON.¹

PHILAD 10th Jan'y 1779

Sir

I intended to have done myself the Honour of seeing your Excellency yesterday Evning but was so long detain'd in Congress that I could not collect some Information which was necessary to be laid before you.

⁴ This was Francis Lewis. Cf. nos. 28, 30, 31, 43, 81, 85, *post*. A "Copy of Mr. Laurens' declaration 11 Jan'y 1779", in Laurens's writing, is among the Laurens Papers in the South Carolina Historical Society (Congressional Letters, 1779); and a copy of "Mr. Laurens's reply in Congress to Mr. Lewis 16th January 1779" (*Journals*, Jan. 19) is in the Long Island Historical Society, Laurens Papers. A minute of a vote, endorsed "Information respecting Robert Morris", but corresponding to the vote, Jan. 9 (*Journals*, p. 47), respecting Thomas Paine, is one of a group of papers pertaining to Robert Morris and the ship *Farmer* (*ibid.*).

[25]¹ Library of Congress, Letters to Washington, XXX. 71.

² The committee of conference, of which Duane was chairman, was appointed Dec. 24. See the *Journals*; also vol. III., nos. 695, 696. Washington submitted to the committee of conference, Jan. 8, minutes of heads of matters requiring attention. These, in Washington's own hand, are in the Washington Papers and are printed in his *Writings* (ed. Ford), VII. 309. Washington's reply, Jan. 11, to the committee's letter is *ibid.*, p. 309, (ed. Sparks), VI. 153. See also his letter to the committee, *ibid.*, p. 158 (with the date Jan. 15), and *Writings* (ed. Ford), VII. 317 (dated Jan. 13). The letter is actually undated. It discusses particularly the problem of recruiting the army and that of planning the next campaign. In a letter to the committee Jan. 20 Washington discussed the question of half-pay and pensions for the officers (*Writings*, ed. Ford, VII. 328, ed. Sparks, VI. 167). In a letter of Jan. 23 he took up the matter of clothing for the army (Library of Congress, Washington Papers). See also nos. 26, 29, 50, 53, 54, 59, 63, 66, *post*.

[26]¹ Library of Congress, Letters to Washington, XXX. 74.

I expect Mr. Peters has furnished you with such papers as will give you a State of the Post at Fort Pitt and the plan of Operation suggested by General McIntosh.² I gave a Verbal direction to him yesterday on this Subject and have repeated it by a note this Morning. Indeed I am apt to believe it would not be lost Time if your Excellency should converse with Mr. Peters as this Expedition has been conducted under the Eye of the board of War. The Committee will be very glad of your Advice on this Occasion

I have now recd. Col. Wadsworth[']s Report on Supplying the Army which is enclosed and shows the necessity of dispersing the Bread with Oeconomy; and limiting our Views.³

The enclosed Letter from the commiss[ar]y of Prisoners was yesterday referred to our Committee that we might have the Advantage of your Excellency's Advice on the Reformatiions proper for that Department. We accordingly beg leave to recommend it to your Consideration

Congress have also been pleased to refer to us General Putnam's Letter, which is sent that we may have the Benefit of your Thoughts upon it when we meet. For the same Reason I transmit the papers referred to us concerning the French Engineers.⁴ Your Excellency will perceive the high Tone in which they consider and represent their Services and their Importance. Congress do not see the Necessity or even Reasonableness of altering the mode they adopted, it appearing to them to be sufficiently honourable and respectful: But as they are determined not to weaken your Hands in a Branch that may be essentially injured by the Retirement of all the Gentlemen skilled in it, they have reserved it as a Subject of our Conference.

I have the Honour to be with every Sentiment of Respect Sir

Your Excellency's most Obedt humble Servant

JAS. DUANE.

27. THOMAS BURKE TO THE GOVERNOR OF NORTH CAROLINA
(RICHARD CASWELL).¹

PHILADELPHIA, Jany 10th, 1779.

Sir:

Some time ago the Congress resolved to appoint two Brigadiers for our State, and agreeable to Instructions we nominated Cols. Sumner and Clark. Yesterday Cols. Sumner and Hogun were chosen by ballot. The choice of the latter gentleman not being pursuant to the Instructions, the design of this letter is to account for it and, if you please, you may lay it before the Assembly.

² A letter from the board of war on the subject, by Richard Peters, secretary, dated Jan. 10, is in the Washington Papers.

³ Probably the letter of Wadsworth, Jan. 8, read in Congress Jan. 9. The copy enclosed by Duane does not appear to be in the Washington Papers.

⁴ Concerning the engineers, see the *Journals*, Jan. 1, and no. 46, note 2, *post*. For the letters of Beatty and Putnam, see the *Journals*, Jan. 9.

[27]¹ *N. C. State Recs.*, XIV. 10. This letter is printed also in vol. XV., p. 746 (without date), in XIX. 906, and in XXII. 519 (dated June 17, 1777).

After the nomination of Cols. Sumner and Clark, Mr. Hill and myself, who lodge together, were informed by a gentleman, who came immediately through the army, that the deviation from the line of Seniority of rank, in the intended promotion of Col. Clark, gave great uneasiness, that it was considered by officers of every Corps, as a violence to military rank and honor, and by all resented.

Reflecting that this matter of military rank had given great uneasiness, and occasioned great embarrassment to Congress, and that it had been for some time settled, and no deviation made from it, except where some officers had been fortunately distinguished in some extraordinary enterprise, (a case which is always admitted as an exception to the general rule,) and that it would not be prudent or just to wound a set of men, in a point which they hold so tender, who are so useful to their Country, and have ventured and suffered so much for their fellow citizens, with no prospect of emolument peculiar to them—and reflecting also that the officers of our Troops must be reduced to the necessity of resigning or remaining in the army as men degraded, and of course despised, a situation the most intolerable that I can imagine and in which, I am persuaded, as they do not deserve to be placed, so their country do not wish them to be; reflecting I say Sir, on these circumstances, Mr. Hill and myself concluded, that it would be for the general good that the promotion should take place according to the rank of our line—and that the State, if well informed, would so far countermand their Instructions, being however concluded by our instructions we would not presume to nominate or vote for any but such as we had in Command, we deemed it, however, incumbent on us, in order to preserve that character, for candor and integrity which we very highly value, and which we deem necessary even for preserving a due weight to the representation of the State, and particularly in order to prevent on the State the imputation of partial injustice and of involving the Congress in difficulties with respect to the Army, we deemed it incumbent on us to inform the Congress before they proceeded to ballot, how the rank of our line stood, and what occasioned the instructions. we communicated our Ideas to Mr. Penn, and he concurred with us—accordingly Sir, I laid the matter fairly before the Congress, and immediately thereon Col. Hogun was put in nomination, but not by any of us. Mr. Penn endeavored to support the Nomination made under our Instructions, which, I confess, I did not. I told Congress that if I were to make a choice from my present Instructions it should be Col. Clark, but I thought all such considerations should give place to public utility, that I was apprehensive the choice of him would induce a very great inconvenience in our present circumstances, and I ventured to give it as my opinion that the State would not desire any thing which might have such effect. I lamented the misfortune of Col. Clark in having been restrained by Superior Command at Germantown which prevented his having an opportunity of obtaining distinction, that even this misfortune had given a preference to Col. Hogun who had in that action behaved with distinguished intrepidity, that upon the whole, tho' I must vote for Col.

Clark, because I was so instructed, I could not be so uncandid as to say he had the best pretensions. In all the sentiments I delivered, I was happy to find that Mr. Hill concurred with me; nor indeed do I know that Mr. Penn differed—he chiefly insisted on his instructions, and the violence done Col. Clark's feelings, in refusing him a promotion, which had been so long expected for him.

Mr. Hill and I, for whom I can only now speak, not having seen Mr. Penn since the adjournment, are persuaded that we have done what our Constituents would have done if present, but should we be so unhappy as to have our conduct disapproved, we must lament the dilemma in which we were placed, and which made it impossible for us to gratify ourselves by supporting our Instructions, and at the same time preserve a due regard for the public service, and for the character of upright Integrity, which is very dear to every honest man—and essentially necessary to every Magistrate among free People.² I have the honor to be, Sir, etc.,

Your very ob. Servt.

THOS. BURKE.

28. JOHN FELL, DIARY.¹

[January 10, 11, 1779.]

10th. Sunday. Coll. Scudder went home. Dined with Mr. J. Searle.

11. Monday. Commercial Committee 9 oClock. Congress. Debates concerning Mr. Payne, and Mr. Laurens motion about Mr. Robt. Morriss conduct in Shipping Tobacco.² lasted till near 6 oClock.

29. THE COMMITTEE OF CONFERENCE TO GEORGE WASHINGTON.¹

PHILAD. 11th Jany 1779

Sir

The enclosed papers have this day been referred to the Committee of Conference with your Excellency: Not with any View to the immediate Contents of those papers: but to introduce a general Enquiry whether Humanity and policy demand from Congress a further proposition for the Exchange of Prisoners? Upon this great Point we wish in a free Conference to consider the State of the Prisoners on both sides and to have the Opinion of the Commander in Chief ²

I am with the greatest Respect Sir

your Excellency's most Obedient humble Servant

JAS. DUANE

His Excellency the Commander in Chief

² See the *Journals*, Dec. 29, 1778, Jan. 9, 1779. Cf. no. 23, *ante*, and nos. 33, 40, *post*.

[28]¹ Library of Congress, Journals and Diaries.

² See nos. 19, 20, 24, *ante*, 30, 31, 43, 81, 85, *post*.

[29]¹ Library of Congress, Letters to Washington, XCII. 221.

² See the *Journals*, Jan. 9 (p. 43), and a report of the committee, found in the *Journals*, under Jan. 23 (p. 104); cf. no. 49, *post*.

30. HENRY LAURENS TO ROBERT MORRIS.¹

[January 11, 1779.]

To the Hon'ble Robert Morris Esquire
Sir,

An unnecessary allusion in your Address to the Public Saturday the 9th Inst.² has dragged me to the Press, an ill chosen tribunal for the purpose of Liquidating old Accounts.

You say—"Early in the Month of February 1778, you were informed that some matters to your prejudice had been *insinuated* by a Member in Congress respecting these Books", referring to the Books of the Secret Committee.

Every Member of Congress understands what is meant by your insinuation they know the particular Member whom you mean to mark, altho there were many others who expressed the same sentiments every enquirer out of Doors will soon be informed who is the person, hence it is become necessary for me to ward off and to remove prejudices against myself. In the instance you allude to I insinuated nothing. I asserted certain facts respecting the Books which cannot be denied, and one other fact which if proved, must affect your reputation. Upon what grounds did I assert the latter? not vague report, but upon the testimony of a Member of Congress, one of your Coadjutors in the Commercial Committee, who was present in Congress then sitting in Yorktown and to whom I appealed for confirmation. he was silent but did not contradict it.³ I was not actuated by a desire to destroy your Character: quite the contrary. the information which I gave was ushered by sentiments like the following and as well as I can remember in almost the same words—"if the account which I have received be true, the Public ought to be informed, if it be groundless, Justice forbid that Mr. Morris should be kept in ignorance." The Gentleman from whom I had received the information and to whom at the same time I declared I would introduce it into Congress upon the first proper occasion, called upon me in the Evening after the Adjournment of Congress and said "he was very sorry I had mentioned that affair". why so Sir? You know I told you I would not keep it secret; because replied the Gentleman I had determined to take an opportunity of speaking to Mr. Morris myself. be the affair well or ill grounded, I have not acted unfairly.

A few days after this occurrence, a common friend of yours and mine⁴ who had recently returned from Manheim suggested to me that you had been extremely misinformed respecting what had passed in Congress on

[30]¹ S. C. Hist. Soc., Laurens Papers, Congressional Letters, 1779 (draft). This document is in the writing of Laurens and bears an endorsement by him, "Copy of a Letter to Robert Morris". It has also the following endorsement in the writing of Moses Young, Laurens's secretary, "An Address to the Hon'ble Robert Morris Esqr. intended for publication". It appears from Morris's reply (no. 31, *post*) that Laurens first sent the document to Morris himself. Upon receipt of the reply he doubtless concluded not to publish his letter.

² No. 20, *ante*; dated Jan. 7, but printed Jan. 9.

³ Francis Lewis. See no. 24, note 4, *ante*.

⁴ Probably John Penn. See no. 19, note 4, *ante*. Cf. Lovell to Samuel Adams, Jan. 28, 1780, in the next volume.

the subject above mentioned and that you were Hellish Mad. he expressed himself altogether in terms of benevolence, his attempts aimed at one point, to conciliate. he earnestly requested me to write and explain the matter to you. I resisted his kind entreaties because in a compliance there would have been a manifest impropriety. If Mr. Morris has been taught to believe I have injured him, he will undoubtedly call on me. it would be beginning at the wrong end were I to offer a justification before I am accused and I am persuaded Mr. Morris if he is innocent will not Silently bear the charge which has been brought against him. why you have not made an inquiry into that charge is not for me to answer.

Before I came to Congress I had heard complaints of the great expediture of Money by the secret Committee in which you had been always viewed as the ostensible Actor and of the unsettled state of their accounts. Similar complaints were repeated in my Ears immediately upon my appearance in Congress in July 1777, and although "*Audiam alteram partem*",⁵ is a never failing maxim with me, jealousies were unavoidably excited. the information given by the Member at York Town had no tendency to extinguish or lessen them. had you called upon or written to me I would have given you the fullest satisfaction in my power. to do justice to an injured Man without respect to his rank or fortune is one of the highest pleasures I experience in life.

Neither Common Sense⁶ nor your self Sir, have accurately represented the Case respecting your assumption and surrender of the Books. I will therefore supply the defect of both relations by the following brief and true state.

You proposed to Congress as you say in Novem. 1777 to take the Books to Manheim and to attempt in your recess an adjustment of the Accounts of the Secret Committee. I think you said you hoped to accomplish the business in about two Months. in the Month of February following Congress discovered much dissatisfaction at your long detention of those Books and upon that occasion I said, "from my Ideas of the Secret Committee's accounts I would engage to post up the whole in nine days, admitting Entries had been regularly made in the Waste Book, that if the necessary Entries had not been made an imputation would fall upon some body or other for this neglect. the Books however remained in your hands, not I assure you Sir from any special desire of Congress. they were chagrined and came to no decision on your Letter of the 8th Feby. the Commercial Committee were desired to write such an answer as they should judge proper.

In September 1778,⁷ you informed Congress then sitting in Philadelphia, "that you had done all you could in the Books of the Secret Committee but that they were in such confusion you could make nothing of them, that therefore you wished to be rid of them and would send them to the Commercial Committee or wherever Congress should be pleased to direct, that you did not know you had any more to do with them than

⁵ In its English translation, "I will hear the other party", Laurens uses this maxim not infrequently. See, for instance, no. 186, *post*.

⁶ Thomas Paine.

⁷ See the *Journals*, Sept. 4, 1778.

any body else" those Books were accordingly sent by you as I have understood to the Commercial Committee and from thence the Committee sent them to my House early in December last.⁸ a few days after they had been in my possession a Young Gentleman called upon me in your Name requesting the Books should be returned to you because you were sure no body could settle them but your self or by him with your assistance. you will not think it extraordinary that I was surprised at the tenor of this Message. I replied to the Gentleman, the Books Sir had been very long in Mr. Morris's hands. he assured Congress some time ago that he could make nothing of them. they are now in mine I am determined to make an essay on them. besides it would be extremely improper to put Public Books into the hands of any Gentleman who is not a Member of Congress. My Compliments to Mr. Morris, if I find it necessary to ask his advice or assistance I shall take the Liberty of applying to him. This I say Sir is a brief and true statement of facts relative to the Books of the Secret Committee from November 1777 to Decem. 1778.

You have, in my opinion, from many circumstances made your self responsible for the transactions in general of the Secret Committee, as well as for all deficiencies which may appear in the Accounts of your late Brother Mr. Thomas Morris from a certain period.

If I am not unexpectedly called away from Congress I trust I shall with the consent of the present Committee be able to shew what the Books do really contain and in what manner the Public Money has been expended; far be it from me Sir, in the present stage to assert or insinuate that you have in any respect acted dishonestly. I hope quite the contrary will appear, but viewing you as an accomptant through whose hands all the business of the Secret Committee had passed and in whose single name much of the business had been negotiated I must think you a little faulty for keeping the Books upwards of ten Months and then returning them in their present disorderly State, especially as they had been a long time in your custody antecedent to Novem. 1777.

You plead in excuse many other avocations, but will this consideration excuse you before the Public—by no means. why did you engage in so much more business than you were competent to? If private affairs would not admit of a close attention to your Public duties for due execution of which in the particular case before us Congress had altogether depended upon you, you should have relinquished in time and delivered up the Books in good order

I speak with equal freedom and candor but do not mean to draw too hasty conclusions to your detriment. If after a full examination of the Books there shall appear no fault on your part I shall be among the foremost to "do justice to your Character" and to remove every groundless suspicion from the minds of others by declaring in public and in private

⁸ In Laurens's "Anecdote" (no. 19, *ante*) he states that Morris sent for the books Dec. 14. That at all events was the date on which a new committee of commerce was appointed. See Morris's Statement, no. 20, *ante*.

that you have not meritted censure. I shall be happier if I am enabled to add that you deserve the thanks of your fellow Citizens

I am Sir your obedient hum. Servant,

THE MEMBER ALLUDED TO.⁹

31. ROBERT MORRIS TO HENRY LAURENS.¹

PHILADA. Jany. 11th, 1779.

Sir

I am to acknowledge the Honour of your Communication of this Morning.² I shall say nothing as to the Propriety of Vindicating your self in the News paper, nor pretend to determine whether there is or is not a better Method.

Your own feelings must prompt and your own judgement direct you. For myself I am indifferent what attacks may be made on me. I feel a consciousness of innocence which puts me above every Effort to cast a stain on what, I thank God, hath hitherto been an unblemished reputation. Since you have enclosed that paper to me I am under the necessity of pointing out some of those instances in which from inadvertancy you have mistated Facts lest a silent Acquiescence shou'd be misconstrued into admission.

You will observe that I have not chosen the Press as a Tribunal for the liquidation of Accounts but being charged Publicly by Name, I was under a Necessity of defending myself in my own Name publicly. "The one other Fact, you allude to—which if proved must affect my reputation" or rather one other allegation, I never heard untill last Saturday Evening when a Gentleman informed me what passed in Congress on the Subject. I have here to add that no circumstance could have given me greater pleasure than to learn that matters which had so long been the groundwork of private Conversation against me, were now to be publicly investigated and I will add, Publicly refuted.

I am little solicitous who gave you the information, but am to thank you for the Public communication, and confess my astonishment that the similar declaration at York Town, if such was made, was not followed by an immediate investigation for I agree with you that if it be true the Public ought to be informed, and I go farther, the offender ought to be punished. Why I have not made an enquiry into that charge is already answered for I could not enquire after things I had not heard and never shou'd expect to be charged with.

The reason why I did not call on you was that from my information, you had only drawn wrong conclusions from mistated Facts, and thence taken an opportunity to urge insinuations to my disadvantage, to which a justification of myself before Members of Congress was unnecessary, and their cordial and unabated Friendship to me convinced me I had done what was right on that occasion.

⁹ Cf. nos. 19, 20, 24, *ante*. Morris's reply is no. 31, *post*. For a continuation of this controversy, with additions, see Laurens to Morris, July 8 (no. 308, *post*).

[31]¹ S. C. Hist. Soc., Laurens Papers, XVIII.

² No. 30, *ante*.

You are mistaken if you suppose I said that I hoped to accomplish the Settlement of the Books in question in about two Months. I did not say so.

I agree that you or I or any person that understands Book-Keeping might soon post up the Books had the Entries been regularly made in the waste Book. They were not, but minutes of the Committee were regularly kept, from which and the letters and Accounts in their possession, those Entries can be made. This is the State of that matter and this I Stated to Congress while you were in the Chair and Moved a resolution that the Members of that Committee should be directed to finish the Settlement of those accounts,³ and when the Honourable R. H. Lee Esqr. declined this task then I asserted that I had no more business to settle the Books than (not any body else, but[]) any Member of that Committee. If there was no decision in Congress on my letter of the 8th Feby., Mr. Lewis and Mr. Ellery must justify themselves for signing and sending me the answer I published.⁴ I cannot suppose they wou'd have done it without proper Authority therefore am inclined to think they can set you right in that respect. You have much misapprehended what passed in Congress in Sept. 1778. I informed Congress that I had Worked at the Books of the Secret Committee untill the Leger was filled so that there was no room for opening new Accounts and that I had delivered the Books to the Clerk of the Commercial Committee So far from saying, "that I had done all I could in the Books" (except on acct. of the Ledger) "and that they were in such Confusion I could make nothing of them and therefore wished to be rid of them[]" I deny the Fact. I never entertained such Sentiments and declared quite the reverse. I said the Accounts were in such forwardness that they might easily be settled by the Members of the Secret Committee and therefore moved they might be appointed for that Service. this Sir will be well remembered by many Members of Congress. What Conversation passed between you and the Young Gentleman who called for the Books I really do not know. I authorized no such conversation on my part as you mention. that Young Gentn. when he recovered from Sickness went to the office to work at the Books, not finding 'em there he came to me. I knew nothing of them, but Mr. Bowen informed him you had them. as I did not know your intentions, I told him I supposed you wou'd give them to him when you had done with them.

With respect to the reasoning of your Piece⁵ I shall at present be Silent. if you are convinced of the justness of it you will abide by it. my own opinions govern me, and as you and I differ I will only tell you at this time, that I beleive your strictest search after deficiencies in the Committies or my Brothers Accounts will not answer your expectations,

³ See the *Journals*, Sept. 4, 1778.

⁴ The reference is to the letter of Francis Lewis and William Ellery, members of the commercial committee, Feb. 21, 1778 (vol. III., no. 109).

⁵ The word here and also in the postscript is interpreted by the copyist as being in the plural, "pieces"; but as Morris speaks in the outset of "your communication" (singular), and as there is no other indication that Laurens sent him more than the one piece, it is assumed that "piece" is the proper reading.

but if any such appear I will chearfully abide the Consequences shou'd Congress determine me to be answerable. When I have received that acquittal which I am confident of and placed in that light which I know myself to deserve, it will be time enough to speak of private Friendships. I have a better opinion of you than to believe you would prostitute that term by a Connexion with me whom you seem to consider as a dishonest Man.

I am Sir with proper Respect

Your most Obedt. and humble Servant,

ROBT. MORRIS

P. S.

I return your piece herewith.

The Honourable

Henry Laurens Esqr.⁶

32. WILLIAM CARMICHAEL TO MORDECAI GIST.¹

Sir

I am happy at the same time that I return you my thanks for your obliging attention to my letters, to inform you that you are appointed a Brigadier General in the service of the United States.

It will be an additional satisfaction to you to know that you were unanimously appointed by Congress and that General Washington hath expressed his warmest approbation and high satisfaction on the occasion.²

PHILADELPHIA Jany. 11th 1779

33. WHITMILL HILL TO THE GOVERNOR OF NORTH CAROLINA (RICHARD CASWELL).¹

PHILADELPHIA Jany. 12: 1779.

D'r Sir,

. . . . There has been a grand Maneuvree in Congress, attempting to fund their several paper Emissions,² but am doubtful the project will be

⁶ Concerning the controversy between Laurens and Francis Lewis over the question of Morris's interest in the tobacco ship *Farmer*, see no. 24, note 4, *ante*, and the *Journals*, Jan. 9, 11, 12, 13, 15, 19, Feb. 9, 10, 11. Under the latter date is found a letter from Morris to a committee of Congress, dated Jan. 22, setting forth at length the history of the matter. An account of the episode is in Wallace, *Life of Laurens*, pp. 329-335. With regard to an additional chapter in the controversy, see no. 398, *post*.

[32]¹ Md. Hist. Soc., Gist Papers, vol. II., no. 2.

² See the *Journals*, Jan. 9. Samuel Sterett, then assistant clerk of the Pennsylvania assembly, wrote to Gist Jan. 21 concerning his promotion: "I need not mention, as you would naturally suppose, that you had a Competitor for this promotion. But notwithstanding his claim of precedence founded on seniority created a delicate difficulty, this recent instance of their approbation of your military conduct was conferred with the greatest unanimity. . . . The Adherents of Colo. Price (if any) receiving such conclusive Proofs of disapprobation from Congress, to save his credit will probably take refuge under the sanction of a report, that it was obtained through partiality. But this I apprehend will prove an untenable post and they will be compelled to retire from it before all except the uninformed" (Md. Hist. Soc., Gist Papers, vol. III.). It does not appear from the *Journals* that Col. Thomas Price was even nominated.

[33]¹ Hist. Soc. of Pa., Dreer Coll., Members of the Old Congress, II. 97.

² See the *Journals*, Jan. 2, and the circular letter, *ibid.*, Jan. 13.

very injurious to the Southern States. my wish is, that I may be mistaken; however think, this might be remedied in some degree, should our State emit a sum of paper Cur'y immediately and buy up all the Continental Cur'y possible, and lodge it in the Loan Office, in which case, they would draw on Interest for all Sums over their proportion, and would have it in their power to procure Cont'l Cur'y without any Inconvenience, which in a future day must be redeemed with Gold and Silver or its equivalent. am sensible how averse our people are to emitting money, but when it is considered that the quantity of circulating medium is not increased by this Emission, and only one Species of Money exchanged for another am led to believe under this Consideration they will consent to emit such a Sum as they may judge necessary to exchange for Cont'l Cur'y: this being a matter of real Moment to us, wish the Assembly to prosecute some Scheme that will avert the Danger.

I must not omit informing you that Col. Clarke has not been promoted agreeable to Instructions given the Delegates by the Assembly. This matter expect will occasion some warmth among Colo. Clarkes Connections (whom I much esteem) and perhaps the Assembly may construe it, into a Violation of the Trust reposed in their Delegates, therefore think it necessary to state the matter as it really was. a few Days past Cols. Sumner and Clarke were nominated to be ballotted for as Brigds. for our State, yesterday³ their Election came on, when Mr. Burke and myself impressed with a Sense of the Duty we owe to the common Cause, and justly alarmed with the intended Resignations of many of our Officers, concluded that we should not be acting the part of candid and honest Men, not to remind Congress of our Instructions relative to this matter, and at same time inform them of the Rank of our Line, and leave it with them to determine; the merits of the several Officers was not the question, but Seniority determined Congress in favor of Col. Hogun; on our part we implicitly obeyed our Instructions, by nominating and voting for Col. Clarke. this was all we had it in our power to effect, and we rest assured from this State of the matter, we shall stand acquitted by our Country, as we are sensible they would wish us to retain that degree of Candor and Integrity, which ever distinguishes the worthy Character.⁴

I have the Honor to be with great Esteem,

yr. Excellency's most Obdt. Servt.

WHITMILL HILL.

34. JOHN FELL, DIARY.¹

1779, Jany. 12th. Tuesday. Commercial Committee 9 oClock. Congress. Lievt. Hale² a Prisoner Pe[t]ion'd to go to New York. Referrd

³ The nomination of Colonels Sumner and Clark was on Dec. 29; the election of Sumner and Hogan was on Jan. 9. This letter must therefore have been written on the 10th.

⁴ Cf. nos. 23, 27, *ante*, and no. 40, *post*.

[34]¹ Library of Congress, Journals and Diaries.

² This was Lieut. Christopher Hele of the British navy, who was taken prisoner when the sloop *Hotham*, bearing the objectionable manifestoes, was wrecked in the Delaware (see vol. III., nos. 568, 576). A protest from Admiral Gambier, Nov. 15, at

a Committee of 3. to draft a Letter to Admiral Gambier concerning him. Debates on Monsr. Gerrard Memorial lasted till near 6 oClock.³ Letter from General Phillips to General Gates and Genl. Washington and Lord Sterling Committee to conferr with Mr. Gerrard about Flour to be Shipd Duane, Smith and Adams.

13th. Wednesday. Commercial Committee 9 oClock.⁴ Congress. Letter from Coll. Grason with his Resignation. refer'd to the Committee to conferr with Genl. Washington Sundry Letters from the Councill of Massachusetts Bay respecting Flour, and Securing the Harbour of Boston. Circular Letter Read to be sent to the Governors of Each State.⁵

35. THE PRESIDENT OF CONGRESS TO THE MINISTER OF FRANCE
(CONRAD ALEXANDRE GÉRARD).¹

Sir,

PHILADELPHIA, January 13, 1779.

It is with real satisfaction that I execute the order of Congress for transmitting to you the inclosed copy of an Act of the 11th inst.² on a subject rendered important by affecting the dignity of Congress, the honor of their great Ally, and the interest of both nations.

The explicit disavowal and high disapprobation of Congress relative to the publications referred to in this Act will, I flatter myself, be no less satisfactory to his most Christian Majesty than pleasing to the people of these States. Nor have I the least doubt but that every attempt to injure the reputation of either, or impair their mutual confidence, will meet with the indignation and resentment of both.³

I have the honor to be, Sir, With great respect and esteem,

Your most obedient and humble servant,

To the Hon. the Sieur Gerard,

JOHN JAY.

Minister Plenipotentiary of France.

Hele's imprisonment, as a violation of the flag of truce, gave rise to the letter in response, found in the *Journals*, Nov. 28, 1778 (see vol. III., no. 643, note 2). Admiral Gambier's letter of Dec. 25, read in Congress Jan. 12, was a further protest on the same subject. Gambier's letter of Nov. 15, preceded by some correspondence between his secretary, James Dick, and Col. John Beatty, commissary-general of prisoners, together with the resolves of Congress Oct. 16 and Nov. 9, is in Almon's *Remembrancer*, 1778-1779, p. 179; his letter of Dec. 25 is *ibid.*, p. 203. Laurens's letter of Nov. 28 is *ibid.*, p. 303. During his imprisonment Lieutenant Hele wrote numerous letters of complaint to Congress and eventually broke his parole, having first, however, notified Congress that he intended to do so. See the *Journals*, Oct. 20, 26, Nov. 2, 28, Dec. 12, 1778, Jan. 7, Feb. 12, Mar. 8, Apr. 3, 6, May 18, July 15, Aug. 10, Sept. 20, Dec. 13, 1779, Jan. 19, 1780; also Paullin, *Out-Letters of the Marine Committee*, II. 102, 158.

³ "12. Congress sit till 6 o'Clock" (Samuel Holten, Diary). Concerning Gérard's memorials of Jan. 5 and 10, see nos. 17, 18, 23, *ante*, 35, 36, 39, *post*.

⁴ The committee had under consideration this day a letter of James Willing, referred to them Jan. 12. Their report is in the *Journals*, Jan. 14. For some account of Willing, see vol. II., p. 565, vol. III., p. 96. A deposition of James Searle, Oct. 31, 1785, pertaining to Willing, may relate to this period (Searle says that it was "in the year one thousand seven hundred and seventy eight or seventy nine"), but it is believed that Searle's memory was in error and that the matter to which he refers more probably came up in April, 1780. (See under Apr. 7, in the next volume.)

⁵ The letter is in the *Journals*.

[35]¹ Library of Congress, President's Letter-Book, p. 12; N. Y. Hist. Soc., *Collections*: *Deane Papers*, III. 255; *Royal Gazette*, Feb. 13, 1779, p. 3.

² The resolution is found under Jan. 12.

³ See no. 18, note 2, *ante*. Gérard's response is in N. Y. Hist. Soc., *Collections*: *Deane Papers*, III. 256, and Wharton, *Rev. Dipl. Corr.*, III. 23. See also nos. 39, 172, 180, *post*.

36. JOHN FELL, DIARY.¹

[January 14, 1779.]

14th. Thursday. Commercial Committee 9 o'clock Congress. Debates relating to Monsr. Girrards Letter.² Letters from Genl. Schuyler, relating to Indians and restoration to be made to sundry Persons for damage Sustain'd by their forridge etc. Letters from Govr. Clinton and Genl. Washington in behalf of James Douel³ of Little Britain, for the Loss of his Barn etc. burnt by the Convention Troops, all Referrd to a Committee of 3 viz. Fell, Burk and Dyer; Agreed to Emitt 15000,400 Dollars.⁴

37. THE PRESIDENT OF CONGRESS (JOHN JAY) TO PHILIP SCHUYLER.¹

PHILADELPHIA 15th Jany. 1779

Dear General,

As the Secretary has neglected to furnish me, (as usual) with the dates of your late Letters to Congress, and your Express sets out early in the Morning I must describe them by the Subject-Matter.

The one on the Subject of your Resignation still remains under consideration.² The one respecting the request of the Oneidas is referred to a Committee appointed to confer with General Washington who are directed, without the further Intervention of Congress to determine and give Order relative to it.³ The third, which, if I mistake not, states the Embarrassments you have been subjected to by Genl. Gates' having forbid the Quarter Master to pay certain Notes you gave while in command, is referred to a special Committee who are ordered to report without delay.⁴

38. THE PRESIDENT OF CONGRESS (JOHN JAY) TO STEPHEN WARD.¹

PHILADELPHIA 15th Jany. 1779.

Sir

Immediately on receiving your Letter of the 6th Decr. last, I communicated it to Congress. A committee was thereupon appointed to enquire into the Facts mentioned in it, and Mr. Drayton, (one of that Committee) a few days after wrote you a Letter on the Subject, which I sent by Express to Poughkeepsie. I hope you have received it and that you will endeavour to obtain and transmit the necessary Proofs he requires without delay.²

[36]¹ Library of Congress, Journals and Diaries.

² See nos. 17, 18, 23, 35, *ante*, and no. 39, *post*.

³ James McDowell. Clinton's letter to Washington relative to the claim, Dec. 18, 1778, is in *Clinton Papers*, IV. 401, and this was the subject-matter of Washington's letter of Jan. 1 read this day. Cf. Jay to Clinton Jan. 15, *Clinton Papers*, IV. 484.

⁴ The figures are erroneous. They should be 50,000,400.

[37]¹ Library of Congress, President's Letter-Book, p. 16.

² See the *Journals*, Jan. 5, Mar. 18, Apr. 19; cf. no. 5, *ante*, and nos. 104, 144-146, 241, 352, *post*.

³ See the *Journals*, Jan. 14. Cf. *ibid.*, Mar. 18, 24, Apr. 3.

⁴ See the *Journals*, Jan. 14, 29, 30. After the postponement of the matter, Jan. 30, no further action has been found in the *Journals*.

[38]¹ Library of Congress, President's Letter-Book, p. 18.

² Ward, writing from "Fredericksburgh 6th Decr. 1778", relates that on Nov. 13, "two days after the expiration of the Manifesto published by the British

39. JOHN FELL, DIARY.¹

[January 15, 16, 1779.]

15th. Fryday Commercial Committee 9 oClock. Congress. Letters from the Governors of Virginia and Maryland, advising of the Scheme agst. Augustine being lay'd aside;² Report from the Marine Committee to Reverse the Sentance of Capt. McNeal.³ Memorial of Mr. DeFrancy in behalf of Mr. Bowmarcha agreed to send him 3000 Hhds. Tobacco. At 6 P M at the Commercial Committee.

16th. Saturday. Congress. Resolved that the Committee for foreign affairs order Mr. Thos. Payne their Secretary to deliver on Oath, all the Papers etc. in his Office.⁴

40. JOHN PENN TO JETHRO SUMNER.¹

Dear Sir

PHILADA. Jany. 16, 1779

Inclosed you will receive a Commiss'n appointing you Brigadr. your rank in the Army depends on the date of your Colo's. Commission it was not in my power to procure it sooner owing to the length of time it took to arrange the army. Colo. Hogan is appointed a Brigadr. also, the reason given for over looking or in other words not Complying with the recommendation of No. Carolina in favr. of Colo. Clark was that Colo. Hogan had behaved well and was the oldest officer. all acknowledged Colo. Clark's merit and would have been glad to have raised him.² . . .

41. WILLIAM WHIPPLE TO JOHN LANGDON.¹

My Dear Sir,

PHILADELPHIA 17th Jan'y 1779

. . . I wish the promotion of Simpson² as sincerely as you do, but the reasons you give, viz the appointmts. of Landais³ and Hardin⁴ operate

Commissioners at New York bearing date the 3d of October", his dwelling was burned "by an express Order (if not with the own hands) of General Tryon". "It afforded me no small degree of Consolation", he declared, "when I saw that most excellent Declaration by the Honorable the Congress of the 30th of October viz: . . . [after quoting the first half of the last paragraph of the manifesto, he then adds] the which I sincerely hope may continue untill the End and design of the same (tho' form'd from necessity) may be accomplished; and operate in such way as to check our unconscionable Enemy in their insatiable thirst for human carnage and Devastation." Ward's letter was read in Congress Jan. 1 (see no. 1, *ante*), but there is no further reference to the matter in the *Journals*.

[39]¹ Library of Congress, Journals and Diaries.

² See vol. III., no. 694, note 2; see also nos. 62, 63, 67, *post*.

³ See vol. III., no. 440, note 4.

⁴ See nos. 17, 18, 23, 34-36, *ante*.

[40]¹ N. Y. Pub. Lib., Emmet Coll., no. 3934.

² Cf. nos. 23, 27, 33, *ante*.

[41]¹ Hist. Soc. of Pa., Etting Coll., Members of the Old Congress, VI. 89.

² Lieut. Thomas Simpson, commander of the ship *Ranger*, was appointed captain Sept. 17, 1779. See also the *Journals*, Apr. 29, Dec. 2.

³ Capt. Pierre Landais, appointed to the command of the *Alliance* June 19, 1778. See also the *Journals*, May 9, 29.

⁴ Seth Harding, appointed captain of the *Confederacy* Sept. 25, 1778. See vol. III., p. 539.

against it for the present I hope he will content himself with the command he has for the present cruise in which I doubt not his conduct will justify me in urging his promotion. . . .

42. SAMUEL HOLTEN, DIARY.¹

[January 18, 1779.]

18. Congress adjourned without doing any business, there being but 8 states present. My Colleagues, Genl. Whipple and myself dined with Mr. Holker, the Consul of France. . . .

43. JOHN FELL, DIARY.¹

18th. Monday Commercial Committee 9 oClock. 12 Went to Congress but not being States Sufficient no Congress At 6 P M Commercial Committee.

1779, Jany. 19th. Tuesday Commercial Committee Excessive Cold. Congress. Letter from Genl. Sulevan to Genl. Prescott and his answer. Do. from Lt. Coll. Bradford for leave to Resign.² Do. from Capt. Fowler late a British officer.³ Do. from Genl. Green recommending Warrant Officers to have Commissions all referred to the Board of Warr. Committee appointed on Acct. of Mr. Laurens information against Mr. R Morris Vizt.⁴ [blank]

44. THE COMMITTEE ON THE COMMISSARY AND QUARTERMASTER'S DEPARTMENTS TO THE GOVERNOR OF MARYLAND (THOMAS JOHNSON, JR.).¹

PHILADELPHIA 19th January 1779.

Sir

We did ourselves the honour to write to your Excellency the 11th of November last on the Subject of Engrossing.² permit us to call your attention once more to that Subject. The Evils feared when that Letter was written now rapidly approach and the Letter from the Commissary General³ of which we inclose a Copy gives us the most alarming apprehensions

[42]¹ *Essex Inst. Hist. Colls.*, LV. 251.

[43]¹ Library of Congress, Journals and Diaries.

² See the *Journals*, Jan. 19, Apr. 1.

³ Capt. Alexander Fowler was chosen auditor of the army Feb. 20 (having been nominated Feb. 11) and was assigned to the Western district. A letter from him to Thomas Gates of Portsmouth, N. H., written from Pittsburgh July 25, 1779, is in *Hist. Magazine*, third ser., I. 292 (with the signature "C. A. Fowler", the "C" being, however, a misinterpretation of a flourish). There are several memorials from him, as late as 1787, in Papers Cont. Cong., and numerous letters in the Washington Papers. See also *Illinois Hist. Colls.*, V. 161, 237, 246.

⁴ Laurens's information, dated Jan. 16, is in the *Journals*, Jan. 19. Copies are also in S. C. Hist. Soc., Laurens Papers, Congressional, and Long Island Hist. Soc., Laurens Papers. See nos. 19, 20, 24, 28, 30, 31, *ante*, and nos. 81, 85, *post*.

[44]¹ Md. Hist. Soc., Red Book, XXIV. 60; *id.* to New Jersey, N. J. State Lib.; *N. J. Rev. Corr.*, p. 140; *id.* to Delaware, Library of Congress, Force Trans., Rodney.

² See vol. III., no. 621.

³ Wadsworth's letter of Jan. 8, read in Congress Jan. 9.

The Wisdom of the State you preside over and your own Exertion will not we are Confident be wanting to prevent the Mischiefs arising from that insatiable thirst of Gain which knows neither principle or bounds. We will not insult your good Sense by dwelling on this fruitful ⁴ Topick—your knowledge of the Cause and prudential foresight of the Effects will doubtless Stimulate you to every measure which you shall deem necessary for the public Service ⁵

We are with Respect

Your Excellencys Most Obedient and humble Servants

GOUV MORRIS

WM: WHIPPLE

45. SAMUEL ADAMS TO SAMUEL COOPER.¹

Jan'y 19 —79

My dear Sir

Inclosd is the Newspaper of this Day. Philaethes in attempting to show that the Supplys from France were not a Present *from that Court*, which nobody that I know of has asserted, has abundantly proved one thing which Common Sense has insisted on viz that A Lee had been negotiating with Mr Beaumarchais for those Supplys, before Mr Dean arrivd there.²

⁴ The text in *N. J. Rev. Corr.* has "painful".

⁵ See the letter from the Maryland council to the delegates Jan. 28, *Arch. of Md.*, XXI. 286, and no. 70, *post*.

[45]¹ *Writings* (ed. Cushing), IV. 118; N. Y. Pub. Lib., Samuel Adams Papers.

² The defense of Deane by "Philaethes" (supposed to be Col. John Parke) appeared in the *Pennsylvania Packet* of Jan. 19. "Common Sense" replied briefly in the issue of Jan. 21, "Philaethes" came out in another article Jan. 23, and "Common Sense" in a further reply Jan. 26. These articles are all found in N. Y. Hist. Soc., *Collections: Deane Papers*, III. 292-335.

For an article of Henry Laurens signed "Philopatros", addressed to Philaethes, combatting some statements of the latter in these articles respecting Laurens's resignation as President of Congress, as also for a brief note concerning Colonel Parke, see these *Letters*, vol. III., no. 664. Since that volume appeared the editor has come upon two documents relating to the controversy between Laurens and Parke. One is a statement of John Laurens, without date, evidently intended for Colonel Parke, relating circumstantially the history of his efforts to have Parke rectify in the press the mis-statements of fact in these articles respecting the resignation of President Laurens; the other is a letter from Colonel Parke, written from Dover, March 27, 1779, addressed to John Laurens, and replying to a letter from the latter, dated March 6.

John Laurens says in the beginning of his statement: "Col. Hamilton informed me that Col. Gibson had mentioned to him that he and Col. Parke were concerned in the publications in favor of Mr. Deane." He then relates that he had called upon Parke and insisted that he publish a true state of the facts. Parke declared that he had not meant to reflect upon President Laurens, but that the narrative as he had published it had been given him by a member of Congress. "I then", says Laurens, "shewed him the true narrative, and told him I thought it incumbent on him to publish it with a proper preface. . . . I told him I would be answerable for the truth of every part of it, and that he might shew it to any member of Congress. He promised to publish it." There was undue delay, and Laurens called again. Meanwhile Parke had shown it to a member of Congress, who "saw nothing material to alter in it". Parke again promised to publish the narrative, but said that it would take him some time to prepare the matter for the press. Laurens "observed to him that there was nothing to prepare but a preface of three lines—that the narrative was ready done to his hands". Parke then said he would "carry it for Dunlaps next paper". Sometime later, as the publication did not appear, Laurens renewed his demands through letters to Parke at Dover. Afterwards Parke called on him in Philadelphia and explained that he had given

Mr Deans Friends are in hopes he will be sent to Holland as a Reward for his good Services, from whence he may probably send or bring another mercantile Letter of Recommendation. Doubtless deep *Commercial* Connections may be formd there. They are willing Mr J A should go to Spain. The Design of this is to get Mr A L removd from thence. Others are for sending Mr A to Holland leaving Mr L in Spain, to whose Influence in that Country our Armies are indebted for Supplys of Blanketts Shoes and Stockins. I am sorry to be obligd to think, that a Monopoly of Trade, and not the Liberty of their Country, is the sole Object of some Mens Views. This is the Cake which they hope shortly to slice and share among themselves.³

46. JOHN FELL, DIARY.¹

[January 20, 1779.]

20th. *Wednesday* Commercial Committee 9 oClock. Congress. Letters from Sieur Gerrard and Genl. De Portail and others. President requested to answer them.² Letter from Major Genl. Lincoln with an acct. of the Enemys taking Savanna in Georgia. Letter from Coll. Zedwitz referd to the Board of Warr.³ Letter from Genl. McIntosh concerning the Indians referd to Genl. Washington. Letter from Mr. Deane⁴ Motion for a Committee on foreign affairs one Member from Each State vizt. Whipple, Gerry, Ellery, Ellsworth, Duane, Fell, Searle, McKean, Paca, Smith, Burk, Laurens, Langworthy.⁵

the article to Dunlap, but that the latter had made excuse for delaying to publish it. In this conversation Parke stated that he had obtained his information concerning the resignation from Deane. A call upon the latter brought forth a denial and the further statement that Mr. Duer and Colonel Parke had drawn up the paper in question, and that the former had given the account of the President's resignation; that he (Deane) had, however, gone over the manuscript of Philalethes with Mr. Duer, a fact which might have misled Colonel Parke. In his conversation with Deane, Laurens suggests that, since so much time had elapsed, he would probably not insist further on the publication.

Parke's letter is, in brief, an assertion that he had prepared the piece for the press, had given it to Dunlap, who had promised to publish it but had persistently delayed in spite of repeated requests from Parke. "If Mr. Dunlap does not choose to comply", he remarks, "it is not in my Power to set his Press to work." The "true narrative" which John Laurens had furnished Parke was doubtless the "Philopatros" article referred to above, which accordingly seems not to have been printed before.

³ Cf. vol. III., nos. 669, 697-699, and no. 12, *ante*.

[46]¹ Library of Congress, Journals and Diaries.

² The letter of Gérard is in Wharton, *Rev. Dipl. Corr.*, III. 26, the letter from Duportail and the other engineers, La Radière Laumoy, and Gouvion (the latter did not sign the letter, but his assent is indicated in a postscript), is *ibid.*, p. 27. The letters convey the assent of the engineers to the offer of Congress as expressed in the *Journals*, Jan. 1. The *Journals* do not record the instruction to the President to make reply. Cf. no. 26, *ante*.

³ Concerning Col. Herman Zedtwitz, see vol. II., p. 60 n., and the *Journals*, Jan. 20, Apr. 1, June 26, July 14.

⁴ Deane's letter is in N. Y. Hist. Soc., *Collections: Deane Papers*, III. 300, and in Wharton, *Rev. Dipl. Corr.*, III. 29 (dated Jan. 21).

⁵ This was a special committee for the investigation of foreign affairs. Dyer took the place of Ellsworth Feb. 24. See, further, the *Journals*, Mar. 17, 24 (the committee's report), Apr. 15, 20-22, 26, 28, 29, May 3, 18, 22, 25, June 8, 10.

47. WILLIAM WHIPPLE TO JOHN LANGDON.¹

PHILADELPHIA 20th Jany. 1779.

My Dear Sir,

. . . . I see no danger this way of a loss of influence. Some little convulsions are always necessary to let people know themselves. I hope the plan of finance will have a good effect, but something farther must be done. I hope New Hampshire will tax largely and not confine herself to the 500,000. her proportion was set higher, but I got it lowered in order that she might be more at liberty to act herself. many of the States will tax much more than the sums set to them. Virginia will raise between 2 and 3 millions lawful. those States that tax very high while money is thus plenty will certainly find their advantage in it.²

48. HENRY LAURENS TO JOHN GIBSON.¹*Sir*

I had the honor of receiving your favor of the 18th Instant intimating the request of the Board of Treasury "that I would lay before them the expenditures for supporting my Household as well as other incidental charges while I officiated as President of Congress" ² In answer I must observe Congress were truly informed in my letter of the 19th Ultimo ³ that as I had not been taught to expect reimbursement of my expences I had kept no particular account of them, therefore I intreated the House to excuse me from attempting to render accounts which it was impossible for me to frame with any degree of accuracy, and that they would be pleased to accept my services of that kind as a very small return for their friendship.

I would now most earnestly repeat my request, had not the House resolved against it. nevertheless it is impossible for me to render particular Accounts because I kept none; the nearest computation that I can form is one thousand Pounds Sterling in Bills of Exchange, about forty Guineas in Gold, four thousand Continental Dollars, exclusive of House rent in Philadelphia, Servants, Carriage and Horses, firing, Candles, Stationary, some extra Household furniture, a Pipe of Wine and other liquors supplied me by Major West and Colonel Cox. the whole amount may be suitable enough to the vicious fashion of the day, but with shame I confess it to be altogether anti-republican and inconsistent with the circumstances of the distressed States of America. Whatever sum the Treasury shall be pleased to determine upon will be perfectly satisfactory to me: had I known I had been living at public expence my conduct should have been governed by different rules and principles.

Under cover with this you will receive an Account of my advances to a Secretary, for I employed but one at a time, to Express Messengers etc.,

[47]¹ Library of Congress, Force Trans., Whipple, p. 603.

² See the *Journals*, Jan. 5, and no. 79, *post*. Cf. no. 7, *ante*.

[48]¹ S. C. Hist. Soc., Laurens Papers, Letters, 1779-1780.

² See the *Journals*, Dec. 11, 12, 16, 22, 1778. Cf. vol. III., no. 412, and the undated report found in the *Journals* under July 31, 1778.

³ Laurens's letter of Dec. 19, read in Congress Dec. 22, has not been found.

which you will be pleased to lay before the Honorable Board, and if it shall be found free from error, a Warrant on the Treasury for the Balance 3394 15/90 Dollars, will be very acceptable ⁴
Chestnut Street, 21st Janry 1779.⁵

John Gibson Esquire Auditor General Philadelphia.

49. JOHN FELL, DIARY.¹

[January 21-23, 1779.]

Jan'y 21st. Commercial Committee 9 oClock. Congress. Letter from the French Minister, and the Marine Committees answer about Provision, and the Commissary Generals reply that he could not furnish any Flour to the Minister.² 6 P M Commercial Committee.

22d. Fryday. Do. Do. 9 oClock till 3 P M Congress. Coll. Frelinghuysen³ came to town today, but I did not go to Congress. Coll. Cadwalader Resign'd. President to write to the Governors of South and North Carolina to assist Georgia. President to write to the Count Estang to request his assistance and to send two advice Boats and the Marquis of Britagnie to have the Command of one. Letter from Commisary Jeremiah Wadsworth against the Distilling of Grain referd to a Committee.⁴ Genl. Washingtons Letter recommending Coll. Rawlinss 3 Companys to be rec[r]u[i]ted. Letter from General Phillips. Letter from Count Mumford⁵ for leave to Resign. granted. Committee on Col Beattys Letter Reported that the Commissary General of Prisoners, Reside at Camp and that he receive orders from the Commander in Chief, Congress or the Board of Warr. Inspector General to have the Rank of Major General.⁶

23d. Saturday. Commercial Committee 9 oClock. Congress. Introduced Coll. Frelinghuysen. NB some of the Business sett down Yesterday was done this day and Enterd thro Mistake.⁷

⁴ The letter bears what appears to be an endorsement by the auditor, "Passed Novr. 9, 1779". A warrant for 35,000 dollars in Laurens's favor was ordered Nov. 12. See Wallace, *Laurens*, pp. 317-318.

⁵ Following is a passage in a letter from Samuel Sterett to Gen. Mordecai Gist, Jan. 21, 1779:

"The Custom of Duelling is exceedingly prevalent at present in this City. Such is the Dominion of fashion that neither penal laws, or sentiments of religion are able to abolish this barbarous and unjustifiable practice. Two Members of Congress, Mr. Lawrence the late President and Mr. John Penn from N. Carolina lately decided some nice point of honor by single Combat. Such is the countenance given to that mode of satisfaction by the example of those illustrious heroes in romance, that we have new duels fought every day" (Md. Hist. Soc., Gist Papers, vol. III.). See no. 19, note 4, *ante*. Cf. no. 570, note 3, *post*.

[49]¹ Library of Congress, Journals and Diaries.

² See the *Journals*, Jan. 12, 21, 22, Feb. 3, Mar. 17.

³ Frederick Frelinghuysen, delegate from New Jersey. He took his seat Jan. 23. The "Do. Do." in the line above stands in the original below the words "Commercial Committee".

⁴ This and the succeeding items of this day's entry all appear to belong under Jan. 23. See the *Journals*, Jan. 23, and Fell's next entry. Wadsworth's letter is in Md. Hist. Soc., Red Book, X. 18. It calls the attention of Congress to the fact that a law of Pennsylvania forbids distilling, that distillers are moving into Maryland, and that a scarcity of bread is likely to be the consequence.

⁵ This was Count Julius de Montfort, major in Pulaski's regiment.

⁶ Cf. no. 53, *post*.

⁷ See note 4. above.

50. THE PRESIDENT OF CONGRESS (JOHN JAY) TO A COMMITTEE OF CONGRESS.¹

PHILADELPHIA 23d Jany. 1779.

The President of Congress presents his Compliments to the Committee appointed to confer with General Washington etca., and requests the favor of them to compleat and transmit to him a state of the Intelligence ordered to be sent to Count D'Estaing as soon as they conveniently can. That a measure deemed so important may not be affected by any delay in the President's dispatches.²

51. THE PRESIDENT OF CONGRESS (JOHN JAY) TO THE GOVERNOR OF VIRGINIA (PATRICK HENRY).¹

PHILADELPHIA 23d Jany. 1779

Sir,

The Congress viewing the Expulsion of the Enemy from Georgia as an object for many reasons important, and relying on the chearful Exertions of Virginia on this Occasion have come to a Resolution of which the enclosed is a copy.² They flatter themselves that in the Patriotism as well as Power of your State, the cause of Liberty and Humanity in the neighboring ones, will always find chearful and seasonable Relief and Support.³

52. WILLIAM ELLERY TO JOHN SULLIVAN.¹

PHILADELPHIA Jany 24th 1779

Dear Sir,

I received yours of the 15th of December, and have since found that the sentence of the court martial on Crossing and his associates answered my expectation. The Court could not have done otherwise consistent with Law and justice; but it seems there is danger of retaliation in case the Sentence should be executed. I should be very sorry if the execution of that infamous traitor, should occasion the death of any especially of a worthy whig. Genl. Prescott I find by your last letter to Congress on this subject is very solicitous to preserve the lives of Crossing and Phillips.² His Aid,³ if I remember right, told you that they both had Commissions. If this should be the case: If they had commissions from the K of Britain

[50]¹ Library of Congress, President's Letter-Book, p. 30. Addressed, "To Coll. Henry Laurens, James Duane and Others of the Committee of Congress appointed to confer with General Washington etca."

² See the *Journals*, Jan. 22, and nos. 54, 63, 67, *post*.

[51]¹ Library of Congress, President's Letter-Book, p. 31.

² See the *Journals*, Jan. 22; *cf.* no. 54, *post*.

³ A similar letter was written to Governor Caswell of North Carolina (President's Letter-Book, p. 31; *N. C. State Recs.*, XIV. 16).

[52]¹ Library of Congress, U. S. Revolution.

² "Phillips" must have been written inadvertently for *Corey*, as there is no other mention of a Phillips in the correspondence concerning this affair, which pertains to the cases of William Crossing and Francis Corey. See no. 11, *ante*, and no. 169, *post*.

³ In Sullivan's letter of Jan. 4, read in Congress Jan. 19, the aide is mentioned as Captain Barry (Capt. Henry Barry?).

previous to their kidnapping Almy etc. it would make a material alteration in their Cases; but I doubt this very much. If they had commissions why were they not produced at their trial? certainly there was time enough for that purpose, between the capture and trial; and why did not the Aid bring them to Providence? If Genl. Prescott will declare bona fide that they had these Commissions previous to their kidnapping expedition, and exhibit them to you, I should give some Credit to such declaration and exhibit; but I must confess I am not satisfied with the Story of his Aid. The proceedings of the Court-martial are committed, and I am one of the Committee. I should chuse to have fuller light, than I have at present, before I can give Judgment: Therefore could wish, if you should receive any further information, that you would communicate it to Congress. . . .

53. THE COMMITTEE OF CONFERENCE TO GEORGE WASHINGTON.¹

[January 24, 1779.]

Sunday 3 oClo P M

Sir

When I have the Honour of seeing your Excellency I will explain the objection made in Congress to the plan for establishing the Department of Inspector General. It held up the Idea too strongly of *seperate Departments* which, as they have been conducted, imply an Independence of the Commander in Chief, and are in other respects productive of Inconvenience and Expence. And it assigns too high a Rank to the assistant Inspector General in the Opinion of some of the members of Congress. That we may know your Excellency's Opinion on these points and particularly whether there is a necessity for the Rank recommended, are the principal motives for the Reference.²

The enclosd Dispatches from the Commis'y Prisoners require immediate attention.³

If it will be convenient I shall be glad to spend a few minutes with you at any Time you shall appoint after four oClock.

I have the Honour to be, with the utmost Respect Sir

Your Excellency's Most Obedient humble Servant

JAS. DUANE

His Excellency the Commander in Chief⁴

54. THE COMMITTEE OF CONFERENCE, STATEMENT FOR THE
PRESIDENT OF CONGRESS.¹

It appears that a detachment of the Enemy's troops by no means considerable have possessed themselves of Savannah the Capital of Georgia.

[53]¹ Library of Congress, Letters to Washington, LIII. 240.

² See the *Journals*, Jan. 23 (p. 111), Feb. 18, Apr. 16. For the earlier history of the inspectorship, see the *Journals*, May 5, Aug. 1, 20, Sept. 15, Nov. 24, 1778, and the letters of Washington upon which Congress acted. Those of Apr. 30 (two printed with that date, although one is actually dated Apr. 28), June 1, July 26, Sept. 12, 1778, are (in whole or in part) in *Writings* (ed. Ford), VI. 504, VII. 66, 124, 189, (ed. Sparks), V. 347, 350, 408, VI. 20, 66. The orders establishing the office of inspector-general are dated June 15, 1778 (Papers Cont. Cong., no. 152, vol. VI., f. 111).

³ See the *Journals*, Jan. 23 (p. 104).

⁴ Washington was then in Philadelphia in consultation with Congress.

[54]¹ Paris, Archives de la Marine, B⁴, vol. CLXVIII., f. 18 (copy).

Their number cannot be ascertained but it is between 4000 and 5000. Their Naval force is by no means considerable, consisting of a 50 and 40 gun ship, two sloops of war and some gallies. By this stroke they are in capacity more effectually to defend their possessions in East Florida, to annoy the southern part of south Carolina, perhaps a favorable moment to attack Charlestown

They will draw from Georgia immense supplies of provisions for their troops in America and the Islands. Their cruizers will shut up the navigation of South Carolina and not only possess themselves of the property at sea intended for that State, but what is of greater importance totally prevent the sending of rice from thence for the use of our allies in the Islands.

It is a melancholy truth that little dependence can be prudently placed on the wheat and flour of the more Northern States until the next harvest. But however great advantages above stated that [they?] derive one of far more value considered on a general scale. The riches of Mexico and Peru are in a manner locked up, unless the Southern extremities of America and the Bahama Islands can be wrested from their possession and it is highly probable that the expedition takes its rise from the apprehension of a war with Spain. While we lament the inconveniences which will be felt from the loss of Georgia; we cannot but derive pleasure from a consideration how much they have exposed themselves should the situation of affairs in the islands permit such detachment from the combined fleets of France and Spain, or either of them as would prevent their escape by sea; while a body of good french or Spanish thrown in some favorable situation between Savannah and Augustin would prevent their retreat that way until the force now assembling in Virginia and the Carolinas could be collected to operate against them with effect. On a view of these circumstances it appears extremely probable that the consequences of the measure would be not only the destruction of that detachment of the Enemy's force, but the possession of all those ports which secure the navigation of Mexico and gulph of Florida, the essential advantages of which during the future operations of the war are too evident to need illustration

The above paper agreed to in Committee of Conference with the Commander in Chief and directed to be delivered to the President of Congress, as the substance of intelligence respecting the invasion of Georgia ²

JAS. DUANE for
the Committee

(Copy)

25th January 1779.

55. JOHN FELL, DIARY.¹

[January 25, 1779.]

25th. Monday Commercial Committee 9 oClock. Congress Motion to call Robt. Lettice Hooper to acct. for having several Brigades of Con-

² See no. 50, *ante*; cf. nos. 63, 67, *post*. If this statement is among the Papers of Congress it has not been found.

[55]¹ Library of Congress, Journals and Diaries.

tinental Waggon's Loaded with Flour and Iron, on Private account the General requested to call a Court Martial;² Bounty of 20 Doll's besides the 80 offered before with Land and Cloathing and to the Officer for Inlisting 10 D's at Camp and 20 abroad and 3 D's a Day.³ Wm. Bedlow, auditor⁴ Committee on Genl. Lincolns Letter, Laurens, Root and Lee.⁵ Johnson Smiths complaint agst. Coll. Flowers at Carlisle Committee Roberdieu, Dyer and Hill.⁶ 6 P M Committee on foreign Affairs Mr. Whipple Chairman

56. WILLIAM ELLERY TO CHRISTOPHER ELLERY(?).¹

Dear Brother,

PHILADELPHIA Jany. 26th 1779

. . . . I expect an Auditor of the Army will be appointed for the army in our State, and that the Council of War in our State will have the appointment of him. I believe his pay will be five or six dollars pr day. If you should think such an office will suit you, you must keep a good look out.²

57. THOMAS BURKE TO THE PRESIDENT OF PENNSYLVANIA
(JOSEPH REED).¹

Sir

PHILADELPHIA Jany 26th 1779

Mr. Root suggested to a committee to whom Congress have referred a report of the Committee of appeals relative to the case of the Sloop *Active*, in which it seems the State of Pennsylvania have some political as well as pecuniary Interest, that you are desirous that some arguments or documents should be offered to them on behalf of the state before their report is concluded on. the Committee are desirous of clearly understanding your wishes, and have every disposition to comply with them. I request you therefore to let me know them particularly that I may open them at our next meeting.

The committee is not appointed to review the Decree of the committee of appeals, but to state the principles of their power, and the reasons for the judge's refusing to execute, and they are to report specially.²

I am sir with all due Respect, and personal regard

your Obdt Servt

THOS BURKE

[Endorsed:] From Thomas Burke Esqr. Read in Council Jany 27, 1779.

² The motion as recorded in the *Journals* is "for remedying abuses in the several public departments"; but see the *Journals*, Jan. 23; cf. *ibid.*, Dec. 22, 1778, Apr. 15, 1779 (p. 453 n.).

³ See the *Journals*, Jan. 23, Mar. 9. Fell's entry would indicate that the report of the committee of conference was under discussion this day.

⁴ According to the *Journals*, a letter recommending William Bedlow for the position of auditor in the army was read Jan. 23, but his election did not take place until Feb. 9.

⁵ Cf. nos. 58, 62, 63, 67, 78, *post*.

⁶ See the *Journals*, Jan. 25, Mar. 13, and no. 85, *post*.

[56]¹ Hist. Soc. of Pa., Dreer Coll., Members of the Old Congress, II, 4.

² Cf. the *Journals*, Jan. 21, 23, Feb. 9. Christopher Ellery was nominated Nov. 5 for the office of commissioner of the board of treasury but was not elected.

[57]¹ Collection of the late D. McN. Stauffer of Yonkers, N. Y.

² Concerning the case of the sloop *Active*, see the *Journals*, Nov. 28, 1778, Jan. 19, 21, Feb. 2, 13, 25, Mar. 3, 6, 9, 16 (petition of Olmstead and White), 30, Apr. 6, 9,

58. JOHN FELL, DIARY.¹

[January 26-28, 1779.]

Jan. 26th. Tuesday. Commercial Committee 9 oClock. Congress. Letter from President Read in Council complaining of Major Genl. Arnolds conduct in using publick Waggon in Private affairs etc. and of Indignity to their Body Referrd to a Committee of 5 vizt. Paca, Burk, Floyd, Holton and Root.² Instructions read to the Delegates of Pennsylvania, complaining of an improper arrangement in their State of Brigadier Generals, Referrd to the above Committee³ 6 P M attended the Committee on foreign affairs⁴ a most miserable Rainy bad Night.

27th. Wednesday. Commercial Committee 9 oClock. Congress. Sundry Letters read. Long debates about the Marquis of Britagnes Instructions⁵ 6 P M Committee on foreign affairs.

28th. Thursday Commercial Committee 9 oClock. Letter from Genl. Lincoln, with 1400 Continental and Militia—Enemy Genl. Campbell 4000, Letter from Genl. How with 600. Letter from Govr. Lounds desiring Frigates to be sent to So. Carolina; Debate on the french Ministers Proposal for Compensation if Count Estang goes to Georgia. 6 P M Committee on foreign affairs

19, 24, 28, Sept. 6, 29, Oct. 13, 21, 1779, Jan. 17, Mar. 21, 1780. Burke was chairman of the committee appointed Jan. 21, the other members being Paca, Root, Dyer, and Meriwether Smith. Reed's reply to Burke, Jan. 28, is in *N. C. State Recs.*, XIV. 256, and *Pa. Arch.*, first ser., VII. 170. Burke's response to Reed the same day is no. 60, *post.* Mar. 6 a committee, consisting of Paca, Burke, and Richard Henry Lee, was appointed to confer on the subject with the committee of the Pennsylvania assembly. Mar. 30 the committee of Mar. 6 was discharged and the matter referred to a committee appointed Mar. 29 for a general conference with a committee of the Pennsylvania assembly (see the *Journals*, Mar. 26). This committee consisted of Paca, Root, Samuel Adams, Laurens, and Richard Henry Lee. See no. 91, note 2, *post.* For an account of the case of the sloop *Active* and the importance of the place which it has in the development of the court of appeals, see J. F. Jameson, "The Predecessor of the Supreme Court", in *Essays in the Constitutional History of the United States*, pp. 17-23.

[58]¹ Library of Congress, Journals and Diaries.

² See the *Journals*, Jan. 26, Feb. 1, 15, 16, 18, 22, 24, Mar. 1, 17, 23, 25-27, 29, 30, Apr. 1, 3, 12, 15, 16, 24, 26-28, and *Pa. Arch.*, first ser., VII., *passim* (index, Arnold). In a letter to the Pennsylvania delegates, Jan. 30, President Reed requested that "whenever any Question shall be put which may affect the Authority or Reputation of this Council, and more especially in the Case of Gen. Arnold, that you call for the Yeas and Nays, that in our Correspondence with our sister states we may have an oppy to shew them how far their Delegates in Congress do or do not manifest a Disposition to support the authority of civil Government, and more especially in the Execution of the Resolves of Congress" (*ibid.*, p. 174). Of particular interest is a circular letter from the Pennsylvania council to the other states, Feb. 6 (*ibid.*, p. 183), respecting "the necessity of preserving the Dignity and Security of civil Government, and guarding the good people of these States against all Abuses of Power". See also nos. 95, 143, 162, 180, 183, 208, 234, 311, *post.*

³ See the *Journals*, Jan. 26, May 11, 12. Concerning the case of Col. William Irvine, who was made brigadier-general May 12, see. vol. III., no. 631.

⁴ The special committee of thirteen appointed Jan. 20. See no. 46, note 5, *ante.*

⁵ The debates were doubtless concerning the despatches to the Comte d'Estaing which Brétigny was to carry. See the *Journals*, Jan. 22, 25, 27, Feb. 5; *cf.* nos. 62, 63, 67, 68, 74, 88, *post.* The Marquis de Brétigny had been soliciting employment since August, 1778, and had preferred numerous memorials to Congress to that end, which had been frequently under consideration but without decision. See, for instance, the report of a committee Dec. 2, 1778, and *cf.* the *Journals*, Apr. 13, 17, 1779.

59. JAMES DUANE TO GEORGE WASHINGTON.¹

PHILAD. 28 Jany 1779.

Sir

I found myself so much indisposed this morning that it was imprudent to go abroad, which will I hope apologize for my not meeting the Committee of Conference at Your Excellency's Quarters as was proposed. . . .

Col. Armand has favoured me with the enclosed Letter respecting his Corpse. I take it for granted Congress will submit the formation of a Plan respecting the independent Corpses, including such of the 16 Regiments as were raised, to your Excellency. I know not how it is possible, any other way, to obtain an Arrangement which must depend on a Variety of Circumstances, and is encompassed with many difficulties. I do not know what progress has been made by the Committee of Arrangement, tho' I think it necessary that your Excellency should be furnished with every thing they have done, or had in Contempl'n as far as appears from their papers in the War Office.

Col. Armand seems at present to be contented with his separate Corpse, tho' averse to an Incorpor'n with Count Polaski's. If the latter takes place it seems to be his Intention to go to South Carolina as a Volunteer and therefore is pressing for a Decision before your Departure. In my opinion he has a Claim to our attention. Every thing, which is consistent with the publick Service, ought to be done for him.²

60. THOMAS BURKE TO THE PRESIDENT OF PENNSYLVANIA
(JOSEPH REED).¹

PHILADELPHIA, January 28th, 1779.

Sir,

I received your favor of this day, and laid it before the Committee.

We concur with you in every wish that the business referred to us may be discussed and decided upon principles of law, justice and reason, and know of none other that ought or can influence the Congress therein.

We have yet discovered nothing in the Business that can affect the temper or indanger the harmony which we believe subsists between Congress and the state of Pennsylvania.

We do not suppose that the general power of Congress to decide as the last resort in all cases of captures is denied or affected by the opposition given by the Judge of admiralty in Pennsylvania in the case referred to us, the Judge has been requested to certify his reasons; he has declared that the law of the state has made the finding of a Jury conclusive in all matters of fact, without reexamination or appeal, and that he is pre-

[59]¹ Library of Congress, Letters to Washington, XXX. 152.

² Armand wrote to Washington Jan. 20 with regard to his corps and enclosed a tabular statement of its composition (N. Y. Hist. Soc., *Collections: Rev. Papers*, I. 307), to which Washington replied Jan. 21. The letter to which Duane refers may have been the letter of Feb. 3, read in Congress Feb. 4. See the *Journals*, Feb. 4, 5, 12, 13, and nos. 72, 74, 90, *post*; also Washington to the President of Congress Feb. 8, in *Writings* (ed. Sparks), VI. 172. Cf. these *Letters*, vol. III., no. 288, note 2.

[60]¹ *Pa. Arch.*, first ser., VII. 170.

cluded by this law from enforcing any decree contrary to the verdict of a Jury, he has offered arguments in support of his conduct, and the only question seems to be whether the municipal law of any one state can control or restrain the exercise of the power to decide finally on all cases of captures? This question ought, and we hope will be discussed and decided on principles of law, justice and reason, and we doubt not if it shall be found that the Legislature of Pennsylvania have mistaken or overlooked any principle, and through such mistake or Inadvertance have passed a law which has an injurious effect contrary to their expectation and wishes, the members composing it have too much liberality to persist, and too much temper and good sense to take offence at men who may be by their duty called on to decide. In short we none of us conceive this affair to have proceeded from any thing but those imperfections of human language and human understanding from which no rank or condition of men is exempt, and we have no apprehensions that any evil can arise from the result of the deliberations and decisions of Congress on it. We are exceedingly willing to receive every information possible on the subject, and have appointed to-morrow afternoon to hear whatever the parties may be pleased to suggest; the Committee will meet at the State House at six o'clock.²

I am Sir, with great esteem and respect,

your very obed't serv't.

THOS. BURKE.

61. THE MARYLAND DELEGATES TO THE GOVERNOR OF MARYLAND
(THOMAS JOHNSON, JR.).¹

[January 29, 1779.]²

Sir,

Congress have not yet laid down any permanent Principle to ascertain each State's Proportion of Men and Money: what is suggested on this Subject in the Articles of Confederation is not compleated and therefore could not be adopted. The late apportionment of Monies was made according to Principles which originally obtained, that is according to the number of Souls in each State as ascertained by Estimates formerly furnished by the Delegates.

But even this mode was not strictly attended to. Rhode Island and New York being invaded were unable to pay the whole of their Proportion and Georgia for the like Cause not able to pay any Money at all: the Deficiency of these States was thrown on the rest tho' not in equal Dividends, some of the States having taken upon themselves more than their Proportion, induced by the Idea that they can contribute to sink their Debt with more Facility while they abound in Paper Emissions than when

² See no. 57, *ante*. Reed's letter of Jan. 28 is in *N. C. State Recs.*, XIV. 257, and *Pa. Arch.*, first ser., VII. 170; his reply to this letter, Jan. 29, is *ibid.*, p. 172. See nos. 222, 234, 611 (note 3), *post*.

[61]¹ *Md. Hist. Soc.*, Red Book, V. 31; *Arch. of Md.*, XXI. 288.

² This date is found in the endorsement, but it may be the date the letter was received.

the Quantity is reduced and our Currency appreciated: Part of this Deficiency has been imposed on Maryland but less than her Proportion of it.

Congress having adopted a temporary mode of apportionment and not intending to conclude the States by it have to prevent Injury from unequal assessments resolved that all the sums of Money which the States are called on to raise shall be placed to their respective Credits on Interest: When the Rule therefore of apportionment comes to be established such States who shall be found to have advanced beyond their annual Quota will be compensated by Interest on such Advances.³

We have the Honor to be Sir

Your most Obedient Humble Servants

WM. PACA

JOHN HENRY JUNR

WM. CARMICHAEL

62. JOHN FELL, DIARY.¹

1779, Jany. 29. Fryday. Commercial Committee 9 oClock Congress Letter from David Franks for leave for his Clerk to go to New York. Letter from G'l Washington for leave to go to Camp.² Motion for the defence of Georgia and So. Carolina debated. Referrd to the Committee to conferr with the General Letter from the President Read, in answer to the Minister of France for his request of Compensation, long debate lasted till near 5 oClock³

63. HENRY LAURENS TO THE PRESIDENT OF SOUTH CAROLINA (RAWLINS LOWNDES).¹

29 January [1779.]

Dear Sir

. . . . Your Excellency is well acquainted with my anxious forebodings of the distress of Georgia. All that I have offered from time to time, for upwards of twelve months past, met with slight, will not say Contemptuous, receptions. when a proposition was made in August 1777 for an Enterprise to West Florida which appeared to me to promise nothing more than ineffectual dissipation of Men and Money, I reminded Congress of the weak state of Georgia and South Carolina. I succeeded so far as tended to quash the attempt, but could never prevail on the House to dispose of the intended means for the security of a weak frontier.²

My labors for five Months past have been incessant for fixing the attention of the higher powers to the safety of the Southern States. Your Excellency shall in due time see all my Letters on this subject, and which

³ See the *Journals*, Jan. 5; cf. no. 70, *post*.

[62]¹ Library of Congress, *Journals and Diaries*.

² Cf. no. 66, *post*.

³ See the *Journals*, Jan. 28 (pp. 119, 123), 29, Feb. 5, and nos. 50, 54, 58, *ante*, 63, 67, 68, 74, 88, *post*.

[63]¹ S. C. Hist. Society, Copies of Letters mainly to Laurens, 1771-1782, p. 248.

² See vol. II. of these *Letters*, nos. 559A, 559B, 584, 586, 601, 605.

not being properly supported Gentlemen in general concluded that I was either deficient in my political Ideas or unnecessarily and partially apprehensive of danger in the quarter where my own and the Estates of my particular friends happen to be situated. I have nothing to offer in support of a penetrative Judgment, but the sacrifices which I have made them ought I think, to have shielded me against the smallest imputation of selfishness. I am reduced to the state of many an old Man to content myself with saying "I told you so."³

I am rejoiced that Your Excellency has advertised Count d'Estaing of the circumstances of the two Southernmost States. I was confident you had done so before your advices reach'd me. I had suggested the Idea of writing to the Count to the same effect by special advice Boats from hence *Maryland* and *Virginia*. the President of Congress requested instructions upon the occasion. The subject appeared to me to be narrow and concise. however a Committee was ordered to prepare the required foundation. this was done on the 25th Instant.⁴ the President was then to confer with Mr. Gerard, he did so, and reported yesterday "that the Minister expected that the application for the aid to be asked of Count d'Estaing should be accompanied with assurance of compensation agreeably to the spirit and meaning of the fourth article of the Treaty of alliance to be hereafter settled by a Convention between the Court of France and the United States." A Committee was thereupon appointed to take the same into consideration and to confer with the Minister on the subject, Mr. Laurens, Mr. S. Adams and Mr. Paca, were the Committee, and were unanimously of opinion the Fourth Article did not apply to the present case. I have not time to set forth the reasonings in which Congress seemed generally to concur, and some were a little fired by the obstacle. Mr. Gerard had in our conference adhered to his first opinion. I think it unlucky that we applied for his intervention. If the fourth article is obligatory, it will ever be so, and might have rested as a subject for future discussion, for the compensation, if any is to be made, must be discussed on a future day. here the business was hung by the Eyelids at our adjournment Yesterday, and will be resumed this Morning.⁵ all this tends to lengthen a dangerous delay. I flatter myself with hopes that Your Excellency's letter to Count d'Estaing has reached him before this day. in this case I am persuaded he will, without hesitation and with much alacrity grant all that Congress meant or intended to ask—"such relief as may be in his power." I do not exactly quote the words of the Journals—but these contain substantially and precisely the meaning.

The President will have acquainted Your Excellency with the recommendations of Congress to the States of Virginia and North Carolina, to afford you all possible aid.⁶ . . .

³ Cf. vol. III., nos. 482, 541, 572, 627, 694, 706.

⁴ Laurens doubtless alludes to the statement of Jan. 25, no. 54, *ante*. The *Journals* do not, however, record the order to the committee to prepare such a statement. See also no. 50, *ante*.

⁵ See nos. 58, 62, *ante*, 67, 68, 88, *post*.

⁶ See the *Journals*, Jan. 22, 28, 29, Feb. 5, 8, and no. 67, *post*.

I believe Sir it will be impossible for me to write to our worthy friend Gervais by this Conveyance. I moved for the million of Dollars he required and obtained an immediate vote on the 21st Instant.⁷ I hope the Treasury have done their duty, and that the money is now on its way. I have the honor to be, with all possible Esteem and Respect, Sir,

Your Excellency's Obedt. and Humble Servt.

H. L.

64. THE COMMITTEE OF FOREIGN AFFAIRS TO WILLIAM BINGHAM.¹

PHILADELPHIA 29 Jany 1779

Sir

. . . . The circumstances under which Cap Cunningham² saild in the *Revenge* are not known here actually, though Mr. Deane and Mr. Carmichael are on the Spot. The intentions of the former as to the sale of her was not confirmed by his colleagues in France, but yet I do not see how the request of your Letter of August 16 in regard to her prizes can be taken up, as Mr. Cunningham, into whose hands the product is committed, has never informed Congress that he possesses any of their property. I wish you would gain and transmit the true state of facts relative to the outfit, and present claimants of this Vessel.³

65. JOHN FELL, DIARY.¹

[January 30, 1779.]

30th. Saturday Letters Read from Govr. Clinton and Genl. Washington for the Payment of Sundry People in the State of New York. Letter read from Genl. De Portail relating to the fortyfying Boston Harbour, referr'd to the Marine Committee Brigr. Hamiltons Letter to Coll. Harvey² in Virginia and his answer, relating to the accomodation of the Convention Troops.

66. THE PRESIDENT OF CONGRESS (JOHN JAY) TO
GEORGE WASHINGTON.¹

PHILADELPHIA 31st Jany: 1779

Sir

Congress by their Act of the 30th Inst, of which the enclosed is a copy, have consented to Your Excellency's Return to Camp.

⁷ The matter was referred to the board of treasury Jan. 20, and the warrant was ordered Feb. 3.

[64]¹ Library of Congress, Papers Cont. Cong., no. 79, vol. I., p. 277 (letter-book copy).

² Capt. Gustavus Conyngham.

³ See the *Journals*, Dec. 26, 1778, Jan. 4, Feb. 22, Mar. 12, and nos. 108, 133, 135, *post*. Samuel Adams, writing to James Lovell from Boston, Mar. 30, 1780, respecting Capt. Paul Jones and the *Alliance*, remarked: "If Congress will recollect the Managem't of the Cutter *Revenge* commanded by Cunningham, which I imagine has not been cleared up to this Day and probably never will be, they will think it *just to the Publick* and necessary that Enquiry shd. be made, while Jones is on the Spot, concerning the Squadron lately under his Command" (*Writings*, IV. 144, incorrectly placed among the letters of 1779).

[65]¹ Library of Congress, Journals and Diaries.

² John Harvie, lately a delegate from Virginia. The letter to him was from Brig.-Gen. James Hamilton of the convention troops.

[66]¹ Library of Congress, Letters to Washington, XCIII. 1.

The Opinion of Congress, respecting the continuation of the Committee of Conference, is, as yet, undetermined. To me it appears proper, as well as necessary, that until they become dissolved, by making a Report on the several Matters committed to them, they should consider an epistolary correspondence with your Excellency on those Subjects to be as much within the Line of their Appointment as personal conferences ² . . .

67. HENRY LAURENS TO THE PRESIDENT OF SOUTH CAROLINA
(RAWLINS LOWNDES).¹

31 January [1779.]

Dear Sir

. . . Your Excellency will learn from a Piece of paper here inclosed that we have not advanced one step in our intended application to the Count d'Estaing. this stagnancy is probably the effect of misapprehension. the Journal of Congress direct[s] that an application be made to Count d'Estaing for such aid or relief as may be in his power to afford.²

The Minister seems to have fixed his attention to a paper which had been prepared by a Committee for the President, setting forth the distressed circumstances of Georgia, the dangerous Situation of South Carolina, and also the advantages which may result from an immediate attack upon the Invaders of those States, and coupled to these the Idea of an intended Conquest of East Florida, an event not anxiously wished for by our ally.³ in this view there can be no question whether the 4th Article of the Treaty of Alliance will or will not apply.

But to solicit for such immediate relief as the Admiral may be able to afford to invaded States which are guaranteed by the Treaty is one

² Jay is replying to a letter of Washington Jan. 29 (*Writings*, ed. Sparks, VI. 171). A record of what was probably the last of these conferences may be found in the preface to vol. XIII. of the *Journals* (ed. Ford), p. 7. Cf. nos. 25, 26, 29, 50, 53, 54, 59, *ante*.

[67]¹ S. C. Hist. Soc., Copies of Letters mainly to Laurens, 1771-1782, p. 250.

² See no. 63, *ante*. The "piece of paper" mentioned at the beginning of the paragraph may have been the proposed letter to the minister of France. The consideration Jan. 22 of the intelligence from Georgia and South Carolina (letters of General Lincoln) set in motion several lines of action and gave rise to two committees, each of which underwent some changes in personnel. Among the instructions to the President was one that he confer with the French minister with a view to obtaining the interposition of Comte d'Estaing for the relief of Georgia and South Carolina, and it appears, particularly from this letter of Laurens and that of Jan. 29 (no. 63, *ante*), that, as a basis for this conference, the President obtained the statement of Jan. 25 (no. 54, *ante*) from the committee of conference with General Washington. The President reported to Congress Jan. 28, and this "information" was referred to a committee (Laurens, Samuel Adams, and Paca). The committee brought in a report at the close of the same day (the report is found in the *Journals* immediately after the appointment of the committee), but it was not taken into consideration until the next day, when it was recommitted, Ellsworth and Duane being added to the committee. The report was taken up again Feb. 5, when a resolution was adopted declaring the purpose of Congress and then a new committee (Gouverneur Morris, Laurens, and the President) was appointed to confer with the minister of France and to prepare despatches, etc. The latter committee made its report Feb. 8. For another line of action through a committee, see note 5, below. Meanwhile, there were conferences proceeding with Gérard on other subjects by other committees.

³ The statement of the committee of conference, Jan. 25, no. 54, *ante*. See also no. 63, *ante*.

thing—eventual proceedings and consequent benefits to the Party requiring aid in an Enterprise, is another.

If after having afforded the necessary relief in which the Parties in good faith are mutually interested, an Enterprise for acquiring new Territory should be projected previous stipulations for compensation to the assisting party will become necessary.⁴ I fear while we are reasoning my Country is bleeding.

A Committee had been appointed for conferring with the Commander in Chief on the most proper means for reenforcing General Lincoln, but nothing having been effected in the course of two or three days I yesterday moved for an addition of two Members, and recommended my Colleagues. these Gentlemen being elected, we immediately entered upon the business committed to us. the General, I mean General Washington is of opinion that no effectual aid can be afforded from the Main Army, Count Pulaskis Legion excepted. Congress adjourned before we could make our Report and negativ'd a proposition for meeting this Morning (Sunday). Tomorrow we shall recommend to repeat the late requisitions for all possible aid to be sent from Virginia and North Carolina, including about four thousand stand of Arms, a large quantity of Gunpowder, some lead etc. to be collected in Maryland, and the States before mentioned.⁵ You are not to expect any naval assistance. the Idea of granting such, from our feeble funds was generally exploded. if I remember right when the question was put on that occasion there were no voices, ay, but Mr Drayton's and my own,⁶ and truly Sir, you will not be much surprised at this, when you are fully informed of the circumstances of our Marine. . . .

68. A COMMITTEE OF CONGRESS, PROPOSED LETTER TO THE MINISTER OF FRANCE (CONRAD ALEXANDRE GÉRARD).¹

Sir

The candor and frankness which have distinguished all your negotiations with these States, impose particular obligations on Congress to observe on all occasions the like conduct towards you.

⁴ See the proposed letter to the French minister, no. 68, *post*.

⁵ Laurens speaks as if a committee had been appointed specifically for conference with Washington relative to the means for re-enforcing General Lincoln. The committee to whom this business was assigned (Jan. 20, *Journals*, pp. 93, 94) was the committee appointed Dec. 24 for conference with General Washington (Duane, Root, Meriwether Smith, Gouverneur Morris, and Laurens). It was this committee, doubtless, that prepared the statement of Jan. 25 (*ante*), and it was this committee to which the intelligence from Georgia and South Carolina was referred Jan. 29, and to which Drayton and Hutson were added, Jan. 30, for the single purpose of conferring with Washington upon that intelligence and reporting appropriate resolutions. The committee made its report Feb. 2. Laurens transmitted these resolves to Lowndes Feb. 4, remarking, "I shall exert myself for carrying into execution every Article without delay" (S. C. Hist. Soc., vol. of copies).

⁶ This probably refers to a vote in committee. See the committee's report in the *Journals*, Feb. 2.

[68]¹ S. C. Hist. Soc., Laurens Papers, XXVI. (in the writing of Moses Young). This letter (with variations, chiefly of a minor sort) is printed in the *Journals* (ed. Ford) under Jan. 28, from a copy in the writing of George Bond, assistant in the office of the secretary of Congress. It appears from Laurens's statement appended to his copy of the letter that it was framed by the President (John Jay), and it seems probable that this was done in consultation with the committee appointed Jan. 28 on the President's "information".

They consider the Arms of the Allies as united in one common Cause for the great purpose of effectually maintaining the Liberty Sovereignty and Independence absolute and unlimited of these States, and for mutual aid during the course of the War and they admire the wise provision, made by the Treaty for preserving the harmony subsisting between them by excluding all *after* claims of compensation on one Side or on the other, whatever may be the event of the War.

How far the fourth Article of the Treaty directs a stipulation for compensation to precede a particular Enterprize proposed by one Party, and to which the aid of the other is requested, has been taken by Congress into consideration.

They are of opinion that the compensation mentioned in that article cannot relate to Enterprizes essential to the design of the Alliance and which may be proposed and undertaken by either Party to secure, not extend, their respective Territories, or to diminish the power of the Enemy by defeating their Fleets and Armies, not conquering their Countries or Cities.

The Expedition in question aims at nothing more than the expulsion of the Enemy from a State which cannot be Sovereign and independent while they remain Master of its Capital, and by destroying part of their force, advance the declared end of the War, which is to compel the Enemy to yield the great objects of the Alliance.

This Enterprise therefore must be considered in the same light with all other joint and ordinary exertions of force against the Common Enemy, and can give to neither Party any more claim to compensation than they would have derived from the reduction of Rhode Island by the United forces which operated against it.

But on the other hand, if, after expelling the Enemy from Georgia, Congress should extend their views, and concert an Enterprize against St. Augustine, and request the aid of France in executing it, there can be no doubt but that according to the Article in question a prior Convention ought to regulate the proportion of force each should furnish, and the share of advantage which each should reap by the conquest, because as in this case, new Territory is to be acquired, Reason demands that both Parties concerned in the acquisition should have its due proportion of this, as well as all other joint prizes.²

However Sir, as Congress ardently wish to render the Alliance perpetual, and therefore are Sollicitous to avoid all cause of future discontent or dispute, they forbear on this occasion to request or solicit, but only recommend to Count d'Estaing to detatch to Georgia such part of his Fleet as may answer the purpose intended. provided he be not so engaged in more important Expeditions so far as to render a compliance impracticable or improper. in this recommendation they request the favor of you to join. they view it as a Military Manouvre which appears worthy of attention, and in that light only, submit it to your and his consideration.

² The text in the *Journals* (Bond copy) reads here, "reason demands that the party benefitted by the acquisition should make adequate compensation to the other".

It gives me pleasure, Sir, to be authorized and directed to assure you, that as on the one hand these States will faithfully observe the Treaty, and make the most strenuous efforts against the common Enemy, they entertain not the least doubt but that their great Ally as well as his Ministers and Officers in every department are influenced by the same principles, and will cheerfully exert all the Power of his formidable Kingdom to obtain the avowed important objects of the noble and Liberal Treaty he hath concluded with these States.

[Memoranda by Henry Laurens:]

The above was framed by the President. The following proposed by Mr. Laurens to be introduced or added, in order to avert a charge of pertinacity, and to expedite business.

“Upon the whole Sir, should the Count d’Estaing afford such aid and succor as may be in his power, to Georgia and South Carolina Congress will cheerfully accord in your proposition, that compensation shall be a Subject for future discussion according to the true intent and meaning of the Treaty of Alliance.”

Gentlemen were dissatisfied. a motion was made to take the Sense of the House whether *by the fourth Article of the Treaty any compensation ought to be demanded, for the aid intended to be applied for.*

I considered this to be an ambiguous stating, and that a flat determination in the negative by one Party might be ill received by the other, therefore when the question was about to be put, I moved that the previous question which was carried, that, *that* question should not be now put—and here, to my grief and amazement the business rests.³

31st January.

[Endorsed:] Form of a Letter proposed to be written to the Minister Plenipotentiary on demand for compensation etc. Jan’y 1779.

69. JOHN FELL, DIARY.¹

Monday February 1st. 1779. Commercial Committee Letter from Chevalier Cambray going to So. Carolina to Put the fortifications in order. Genl. Washington apply’d for leave to return to Camp came and took his leave of Congress.² Letter from the Assembly of Masachussets Bay, to request the Embargo to be taken off in order to Import grain to the Eastward, also a complaint from Rhode Island of the great want of Flour and other Provisions the Inhabitants being in a Starving condition. Referrd to a Committee of 5. vizt. Dyer, Ellery, Paca, Laurens and Floyd.³ Memorial of Sundry People in Phila. acquainting of a Number

³ Just when these proceedings took place in Congress can not be determined, but probably on Jan. 29, when the committee’s report was considered and recommitted (January 31 was Sunday). Laurens doubtless had this copy, with his appended comments, prepared for transmission to President Lowndes in connection with his letter of that date (no. 67, *ante*). Cf. no. 88, *post*.

[69]¹ Library of Congress, Journals and Diaries.

² See no. 66, *ante*.

³ See the letter of Governor Greene of Rhode Island, Jan. 7, in Staples, *R. I. in Cont. Cong.*, p. 209, and the *Journals*, Feb. 8. Cf. nos. 80, 84, *post*.

of Privateers on the Coast and if Congress will sell one of their Frigates they will fitt her out for the Protection of Trade; Motion for Selling the 2 Frigates on the 1st of March Committed to the Marine Committee.⁴ Letter from G'l Washington relating to Genl. McIntosh for want of Provisions at Fort Pitt. the General to arrange the Quarter Masters and Commissary department to the Westward. President Reads complaint agst. M Clarkson, Orderd that he do not leave the City till he has satisfied the Council⁵ 6 P M Committee on foreign Affairs.

Tuesday Feby. 2d. 1779. Commercial Committee 9 oC Congress. Motion for Powder, Shot and Armes to be sent to So. Carolina and Coll. Cambra, that the General send an Engenier to So. Carolina. Letter from G'l Gates—Letter from do. to Genl. Washington. Letter from G'l Green reccomending a plan for settling the Account of People who have sufferd damage by the Army. Referrd to the Committee to consult with the Quarter Master General

Board of Warr to contract with Monsr. Penet and Co. for Fire Arms etc. Report Read from the Committee of Appeals.⁶ At 6 P M attended the Committee on foreign affairs but not members enough, did no Business.⁷

70. THE MARYLAND DELEGATES TO THE GOVERNOR OF MARYLAND
(THOMAS JOHNSON, JR.).¹

PHILADEL'A Feby 2d 1779.

Dear Sir

. . . . We have enquired of Mr. Whipple and Mr. Morris who are appointed by Congress to assist and inspect into the Commissary Department, and they inform us that it will not be immediately necessary to call the General Assembly, especially as they are informed, it meets by appointment on the first of March; at the same time they earnestly request you will afford every assistance in your power to the Commissary of purchases.²

By the resolution of Congress the sum allotted to Maryland is 1560000.³ The reason of her quotas being so large we have related to you in our

⁴ See the *Journals*, Feb. 1, Apr. 8.

⁵ See the *Journals*, Feb. 1, 18, 24, and nos. 85, 110, 158, *post*.

⁶ See the *Journals*, Jan. 19, 21, Feb. 2, 25, Mar. 3, 9; also no. 57, note 2, *ante*.

⁷ The special committee of thirteen. See no. 46, *ante*.

[70]¹ Md. Hist. Soc., Red Book, V, 32.

² See no. 44, *ante*, and no. 82, *post*.

³ In the letter from the Maryland council to the delegates Jan. 28 (*Arch. of Md.*, XXI. 286) is this inquiry: "In the Resolution of Congress of the 5th Jany ascertaining the Proportion of each State of the 15,000,000 of Dollars, sent us by the President, Maryland is set down at 1700,000. in the News Papers we see Maryland is set down at 1,560,000; which of these is the true Sum?" The copy of the resolution in which Maryland's quota is put as 1,700,000 and North Carolina's as 950,000 is in Md. Hist. Soc., Red Book, VIII. 72, and is in agreement with the figures of the original report (Papers Cont. Cong., no. 42, vol. V., f. 85). In what manner the sum of 140,000 was shifted from the quota of Maryland to that of North Carolina the *Journals* do not show, and the Maryland delegates offer no explanation.

Letter by the last post.⁴ The latter part of your letter we shall answer by the next post.⁵

We are Sir with the highest respect and Esteem

your most obedt Servts.

WM. PACA

WM. CARMICHAEL

JOHN HENRY JUNR.

71. DANIEL ROBERDEAU TO THE PRESIDENT OF PENNSYLVANIA
(JOSEPH REED).¹

PHILADA. Feby. 3d, 1779.

Sir,

The Delegates of this State in Congress have just received your Excellency's favour of this date, and I am desired by them to inform the Honorable the Council, through you, that they have not the least reason to think the Military command in this City was changed before General Arnold left it, as no other measures have been taken of their complaint than mentioned in yr. Excellency's Letter, as the Committee on the Business have not yet reported.²

72. JOHN FELL, DIARY.¹

[February 3, 4, 1779.]

Wednesday Feby. 3d. Commercial Committee. Congress. After agreeing to Count Polaskey and Coll. Armand Cores of Infantry to [be] recruited,² Went in to Committee of the whole House Resolved that 500,160³ Dollars in Certificates be Prepaid for Exchanging the Emissions to be call'd in, debates lasted till 5 P M. 6 P M Committee on foreign affairs.

Thursday Feby. 4th. Commercial Committee. Watkins Commissary of Purchases with his Resignation.⁴ Referrd to the Board of Warr. Resolved that the Commander in Chief arrange the Relative Rank of Officers, under the degree of Brigadr. Generals (committed to the Board of Warr) Letter from Mr. Bingham at Martinico, giving an Account of the British taking the Island of St. Lucia and of Count DeEstangs repulse in endeavoring to retake it.⁵ 6 P M. Committee on foreign affairs.

⁴ No. 61, *ante*.

⁵ See no. 82, *post*.

[71]¹ *Pa. Arch.*, first ser., VII. 181.

² See no. 58, *ante*. Reed's letter of Feb. 3 has not been found.

[72]¹ Library of Congress, Journals and Diaries.

³ This matter is recorded in the *Journals* under Feb. 4. Cf. no. 59, *ante*, nos. 74, 90, *post*.

⁴ The figures should be 5,000,160.

⁵ Joseph Watkins is characterized in the *Journals* (Feb. 4, July 16) as commissary of ordnance and military stores.

⁶ See the *Journals*, Feb. 5, 6, 8.

73. HENRY LAURENS TO THE PRESIDENT OF SOUTH CAROLINA
(RAWLINS LOWNDES).¹

4th February [1779.]

Dear Sir

. . . . Inclosed Your Excellency will find an Act of Congress of the 2d Instant for affording succor to South Carolina and Georgia. I shall exert myself for carrying into execution every Article without delay. I am now told the 125 Chests of Arms at Baltimore are dwindled into 125 Arms, "the manner in which business is transacted here."²

74. JOHN FELL, DIARY.¹

[February 5, 6, 1779.]

Fryday Feby. 5th. Commercial Committee 9 oClock Congress Letter from Count Polaska, refered to the Board of Warr. Do. from Coll. Armand, that as he cannot be Promoted, he desires to go to France.² Granted. Letter from the Marquis Fayatt he Sailed from Boston the 14 Jany. in the *Alliance* and his dispatches did not get there till the 15th. Committee appointed to write to the Marquis to acquaint him the Expedition to Canada was set aside.³ Letter from Governor Hueston at Georgia and President Lounds at So. Carolina Jany. 15 long debate about the manner of wording the request to the French Minister for the Aid of Count DeEstang for the Relief of Georgia.⁴ 6 P M. Committee on foreign Affairs.

*Saturday Feby. 6.*⁵ Commercial Committee 9 oClock Long debates about the manner of sending for Count DeEstang Congress agreed to Dine at the City Tavern being the anniversary of the French Alliance.

75. SAMUEL HOLTEN, DIARY.¹

[February 6, 1779.]

6. Being the anniversary of the alliance with France, Congress dined at the city tavern and the minister of France and several other Gentlemen of distinction dined with us.²

[73]¹ S. C. Hist. Soc., Copies of Letters mainly to Laurens, 1771-1782, p. 253.

² The quotation is from the last sentence in Laurens's resignation (*Journals*, Dec. 9).

[74]¹ Library of Congress, Journals and Diaries.

² See the *Journals*, Feb. 4, 5, 12, 13. Cf. nos. 59, 72, *ante*, and no. 90, *post*.

³ Rather, the committee was instructed to forward to Lafayette copies of the earlier despatches on the subject.

⁴ See the *Journals*; also nos. 58, 62, 68, *ante*, and no. 81, *post*.

⁵ Concerning the case from North Carolina referred this day to the committee on appeals, see *N. C. State Recs.*, XIV. 252-254.

[75]¹ *Essex Inst. Hist. Colls.*, LV. 251.

² The following account of the dinner appeared in the *Pennsylvania Packet* of Feb. 9:

"Last Saturday being the anniversary of forming the Alliance between France and the United States, the Honorable the Congress gave a public entertainment to his Excellency the Minister Plenipotentiary of his Most Christian Majesty, at which the following Toasts were drank, under a discharge of cannon:

1. May the Alliance between France and the United States be perpetual.
2. The United States.

76. SAMUEL ADAMS TO JOHN WINTHROP.¹

PHILADE. Feb 6 1779

My dear Sir

I have receivd your favor of the 21st of January. Every Body sees that the Depreciation of the Paper Currency is owing to the Floods of it which have been necessarily issued. In Addition to which a great Quantity more especially of the Emissions of 20 May 1777 and 11 April 1778 has been counterfeited. This last Consideration was sufficient Inducement to the calling out of Circulation all the Bills of those Emissions as speedily as possible. The lessening the Quantity in Circulation is the only Means of restoring the Value and Credit of the Remainder. It would therefore be a happy Event if every possessor of them would receive Loan Office Certificates for them instead of new Bills in June next but this cannot be expected. In proportion as this may be done the only effectual Means, besides that of taxing which I hope will be chearfully submitted to by the People, of remedying the great Evil will have its effect. Congress have not cried down those Emissions, as the Expression is² or resolvd that the Bills should sink in the Hands of those who would not exchange them for Loan Office Certificates, as has been done in the Eastern States. This might have been too harsh a Remedy. They have left it in the Option of the Possessors to receive either such Certificates or new Bills. This is the obvious Intention of their Resolutions on the Subject.³ The Wish of every discerning honest Man must be as obvious, viz that as many of the Bills may sink in the Loan Offices as the People can possibly spare, and as soon as possible. I think therefore you have judgd right of their Views. It would be an Act of Charity and a great

3. His Most Christian Majesty.

4. The Queen of France.

5. His Most Catholic Majesty.

6. The Princes of the House of Bourbon.

7. Success to the allied arms.

8. General Washington and the Army.

9. The friends of liberty in every part of the world.

10. May the new Constellation rise to the Zenith.

11. May the American *Stripes* bring Great Britain to reason.

12. The Memory of the Patriots who have nobly fallen in defence of the liberty and independence of America.

13. A safe and honorable peace.

"The chearfulness which existed in the company upon the happy occasion of their being assembled, was not to be exceeded; and a thousand brilliances alluding to the Alliance were uttered. There can be no doubt but that every true American and every true Frenchman will contribute his efforts to preserve that connection which is formed by the Alliance, and which is so necessary to the happiness and aggrandizement of both nations. Their mutual interests dictate such a conduct in the strongest and most affectionate terms. The principles of the Alliance are founded in true policy and equal justice; and it is highly probable that mankind will have cause to rejoice in this union which has taken place between two nations; the one, the most puissant in the old, and the other the most powerful in the new world."

On Mar. 9 Congress resolved, "That there is due to Gifford Dally, his account for a public entertainment on the 6 February last, 1086 dollars".

[76]¹ *Writings* (ed. Cushing), IV. 121; N. Y. Pub. Lib., Samuel Adams Papers.

² See the eighth article of the report of the committee on finance, the *Journals*, Oct. 28, 1778 (p. 1074).

³ See the *Journals*, Jan. 2. The voting upon the principal items of the measure took place between Dec. 18 and 31, 1778.

Service to the publick if those who can afford to put their Money to Interest would ease their poorer fellow Citizens who are possessd of those Bills, by exchanging them for other Bills without a Discount.

77. SAMUEL ADAMS TO JONATHAN TRUMBULL.¹

PHILAD Feb 6 —79

Sir

The Marine Com^e have done themselves the Honor of writing to you by this Post.² The great Damage which has been done to the Trade at the Southward and particularly Chessapeak Bay by the Enemies Privateers has causd such pressing Demands for the Aid of our Ships of War as laid us under the Necessity of ordering the *Queen of france* immediately on a Cruize that Way. This I mention as a Reason why she could not be employd with the *Confederacy* and the other Ships but her Destination will remain a Secret.

I hope the Expedition proposd by your Exc^y and agreed to by the Com^e will be performd in 2 or 3 Days, for I fear if it should be known to the Enemy, not only the desired Event w^d be prevented but there would be danger of our losing our Ships.³ . . .

78. THE BOARD OF WAR TO BENJAMIN LINCOLN.¹

WAR-OFFICE 6th Feb. 1779.

Sir,

By a late resolution of Congress General Pulaski is ordered to the Southern department with his Legion.

[77]¹ *Writings* (ed. Cushing), IV. 120; N. Y. Pub. Lib., Samuel Adams Papers.

² The letter from the marine committee to Governor Trumbull, signed by Samuel Adams as chairman and dated Feb. 10, is in Paullin, *Out-Letters*, II. 40. See also the letter to Capt. Joseph Olney, commander of the *Queen of France*, to Capt. Seth Harding, commander of the *Confederacy*, and to the commissioners of the navy board of the Eastern department, all of the same date (*ibid.*, pp. 41-46); also to a committee of Baltimore merchants Feb. 23 (*ibid.*, p. 47). Concerning the latter, see the *Journals*, Feb. 12.

³ Some remarks of James Warren respecting the marine committee's project, and respecting the committee's methods as well, may appropriately be quoted here. They are in a letter to Adams Feb. 28 (N. Y. Pub. Lib., Samuel Adams Papers; *Warren-Adams Letters*, II. 91):

"And now I must say a little to you about the Navy Board and Confess to you that I am Extremely surpris'd at your last Letter from the Marine Committee. have they no kind of Confidence in the Members of the Navy Board here, and do they wish to hold them up to the officers of the Navy in a Contemptible Light. if not why are not your orders directed to them, to be given to the Commanders, and in most Cases at least some discretion of theirs to be used instead of that of the Captains. I own I am Mortified and will not long submit to it. You should have Persons [?] at this Board you can place Confidence in. if we are not such you should displace us and appoint others. it is Impossible you can Judge 300 miles of[f]. if the Conduct of the *Raleigh* had been left to us she would probably have been saved and she and the *Dean* would have Effectd the Service you wished for and made a Cruize. and yet you have Committed in my Humble opinion a greater Error in ordering the *Queen of France* on the Coast of Virginia alone and to be followed by the *Ranger* and then the *Confederacy*. the *Ranger* will sail with her, but in my opinion they will both be lost. . . . I think we had formed a Grand Plan, if you had permitted us to Execute it. but I will not have the Reputation of the present one. it shall be known whose orders they sail under."

[78]¹ Chicago Hist. Soc., Gunther Coll.

We would request that the General and his Corps may be so employed, that he will not be subject to the direction of any officer inferior in rank to the Commander in Chief of the department. This will be extremely satisfactory to the Count, and we conceive it to be the spirit and meaning of the resolution of Congress.²

We are, sir, with great respect,

your most obedt. servants,

By order of the board

TIM: PICKERING.

79. WILLIAM WHIPPLE TO JOSIAH BARTLETT.¹

PHILADELPHIA 7th Feby. 1779

My Dear Sir,

I thank you for the information contained in Your favor of 24th Decr. last which is the last letter I have receiv'd from you. Col Beadle's Regiment is dismiss'd.² I need not inform you of the difficulty of procuring a just enquiry into the conduct of an Officer at a distance from the Army. this I suppose occasion'd the act of Congress impowering the executive authority of the several States for that purpose.³ I wish it was done by N. H. in this instance. I have no doubt there has been great abuses committed in that Country, and I know of no power so competent to investigate the true state of matters there as the executive authority of the State.

The plan of finance has reached you I suppose some time ago. You'll observe the Quota of N. H. is not so high in proportion as last Year. I procured this abatement not because I thought the sum more then the state would be able to raise but because you might be more at liberty to act your discretion. however I hope you will raise a much larger sum, as you will be allow'd interest for all you raise above your just proportion, and there can be no better time to collect money then when it is plenty. I hope some other method will be devised to help our Currency what is already done can be nothing more then mere palliatives.⁴

The transactions relative to the British Commission etc. are not yet finished I shall do myself the pleasure of sending them to you as soon as they come from the press.⁵ . . .

² See the *Journals*, Feb. 2, 4, 5, 12, 13, 15, 17, 18; also Washington to the President of Congress, Feb. 8, and to Pulaski the same date, *Writings* (ed. Sparks), VI. 172, 173.

[79]¹ Dartmouth College Lib., Bartlett Corr., vol. II.

² Col. Timothy Bedel. See the *Journals*, Nov. 27, 1778.

³ See the resolution of Feb. 9, 1778.

⁴ See nos. 7, 47, *ante*.

⁵ Whipple is probably referring to the publication, then in preparation by Gouverneur Morris, and shortly to appear, which bears the title *Observations on the American Revolution*, but had for its original purpose the setting forth to the public the proceedings and reasonings of Congress in connection with the British peace commission. See nos. 111, 127, *post*. Cf. Sparks, *Life of Morris*, I. 187. In the *Pennsylvania Packet* of Mar. 20 is a review of the *Observations* by "Common Sense" (Thomas Paine), wherein it is suggested that William Henry Drayton had a minor hand in the production.

John D———n⁶ is chosen to represent Delaware in C——— but has not yet taken his seat. that State hath acceded to the Confederacy.⁷ there now only remains Maryland who you know has seldom done anything with a good Grace. she has always been a froward hussey. It is a misfortune that such differences sho'd take place between our Commissioners but it is not to be wondered at, that the watchfulness of D. L.⁸ sho'd draw on him the enmity of those who are utter strangers to the feelings of Patriotism that influences that Gentns. Conduct. however, I need not trouble you with my opinion of those charecters, you are well acquainted with them. I well remember your opinion of a certain Person⁹ (now in this City) early in 76 before his departure from America. it wo'd have been fortunate for this Country if others had entertain'd the same opinion of him then that you did, but he was then, as he now is, supported by charecters who will never suffer Martyrdom for the cause of Virtue.

Europe is now full of negotiations which it may be expected will reach America in the spring, when probably we may be entertain'd with a new set of proposals from Britain, tho' I can hardly think her vain enough to entertain even an Idea of anything short of Independence even that, in my judgment, ought not to satisfy us, unless she will quit all pretensions to Canada and Nova Scotia as for the Floridas I think we may consent to divide that Country with Spain if she will furnish us with funds to sink our paper money. whatever may be the result of negotiations we must prepare for another vigorous Campaign for which purpose I hope every exertion will be used to recruit the Army. New Hampshire I am confident will not be backward in this respect. . . .

80. JOHN JAY TO THE GOVERNOR OF NEW YORK (GEORGE CLINTON).¹

PHILADELPHIA 8th Feby. 1779.

Dear Sir,

Inclosed in a Letter of this day you will receive from me an Act of Congress requesting Connecticut and New York to afford a Supply of Provisions to the Inhabitants of the State of Rhode-Island who are said to be in great distress for want of Bread.²

This is a Subject which in my Opinion is to be treated with great delicacy. New York has credit for her Exertions to supply the army and the exhausted State of her resources is known. It is nevertheless hoped that she may be able to give some Releif to her starving Sister, and every motive of humanity and policy will advise it if practicable. Care however

⁶ John Dickinson. He took his seat Apr. 23.

⁷ Nicholas Van Dyke had written to Thomas McKean Jan. 24: "You doubtless are anxious to know how our General Assembly go on. They have appointed Delegates to Congress, this perhaps you have heard, yourself, John Dickinson and me. This Week some Determination will be had I expect on the Articles of Confederation, and from what I can judge am of Opinion they will do as Jersey has done" (Hist. Soc. of Pa., McKean Papers, I. 27). See the *Journals*, Feb. 3, 16.

⁸ Dr. Arthur Lee.

⁹ Silas Deane.

[80]¹ *Clinton Papers*, IV. 552.

² See the *Journals*, Feb. 1, 8; also no. 69, *ante*, and no. 84, *post*.

ought to be taken of our own Inhabitants, and the Relief, if afforded, should be so regulated as to prevent that amazing Exportation, and intolerable Rise in the price of Provision, which would follow an incautious tho' partial Refusal of the Embargo. Nor would it, I think, be wise to go into any measures in consequence of this recommendation without having previously consulted with the Commissary General, as well as with Connecticut; with the former, on the State of his Magazines, with the latter on the Subject of a joint plan. Unless there be an overplus to be spared from the Necessities of the army, and the Consumption of the Inhabitants all ought to be retained. If there be an Overplus in both States, would it be amiss for the Commissary to purchase and collect it at the Expence of Rhode-Island, and let the Government of that State cause it to be transported, and provide for its due distribution. The Poor of that State will otherwise be at the mercy of Engrossers, and, like the wretched Egyptians, under the vicegerency of Joseph, be obliged to give their land for corn.

81. JOHN FELL, DIARY.¹

[February 8, 9, 1779.]

Monday Feby. 8th. Commercial Committee 9 oClock Congress. a number of Letters Read; A Memorial from Lt. Coll. Varick in behalf of himself and the Officers in the Muster Masters department. Referrd to the Board of Warr. A Memorial from Dr. Shippen in behalf of himself and the other Doctors, Referrd to the Medical Committee. Long debates again about sending to Count DeEstang etc.² 6 P M. Committee on foreign affairs.

Tuesday Feby. the 9th. Commercial Committee Congress. a Number of Letters. a Curious one from Philip Johnson with Offers to destroy the Fly that does so much hurt to the Wheat.³ Card to the President, from Mr. Gerrard.⁴ Treasury appointed 5 auditors—Wm. Bedlow appointed one. Committee appointed to examine the accusation agst. Robt. Morris Reported⁵ 6 P M Committee on foreign affairs.

82. THE MARYLAND DELEGATES TO THE GOVERNOR OF MARYLAND (THOMAS JOHNSON, JR.).¹

PHILADEL'A Feby 9th. 1779

Sir

When we wrote to you last upon the subject of supplies for the army we understood the General Assembly was to meet on the first of March,

[81]¹ Library of Congress, Journals and Diaries.

² See nos. 58, 62, 68, 74, *ante*, 84, *post*.

³ According to the *Journals* the writer of the letter was P. Jackson. Cf. the resolutions of Feb. 8.

⁴ There are two memorials of Gérard dated Feb. 9, preceded by a note, Feb. 8, requesting to be informed in what manner certain important communications with which he was charged should be made to Congress. The memorials, one of which related to the question of supplies furnished through Beaumarchais, the other to the expected adherence of Spain to the alliance, were read in Congress Feb. 12. They are found in Wharton, *Rev. Dipl. Corr.*, III. 38, 39, 40. See, further, the *Journals*, Feb. 13, 15, 17, 23, and nos. 83, 90, 93, 95, 98, 105, *post*.

⁵ See the *Journals*, Jan. 19, Feb. 9, 10, 11; also nos. 19, 20, 24, 28, 30, 31, 43, *ante*, 85, *post*.

[82]¹ Md. Hist. Soc., Red Book, V. 34.

and Mr. Morris and Mr. Whipple concluded the time was so short that it would be unnecessary to call the assembly before that Day. But as we are mistaken as to the Meeting of the Assembly, it is their opinion and ours, that a Meeting of the Assembly as soon as they can be called, will be necessary.²

We are Sir with the highest personal respect, Yrs.

WM. PACA
JOHN HENRY

83. JOHN HENRY, JR., TO THE GOVERNOR OF MARYLAND
(THOMAS JOHNSON, JR.).¹

Dear Sir

PHILADEL'A Feby 9th 1779.

. . . . We have just had an important piece of intelligence, which I am not at liberty to relate. as soon as it is publick you shall have it.²

84. SAMUEL HOLTEN TO THE PRESIDENT OF THE MASSACHUSETTS
COUNCIL (JEREMIAH POWELL).¹

Dear Sir,

PHILADELPHIA February 9, 1779.

As the British Kings speech may not come to hand, before this reaches you, I will inclose it, with several other papers, which contain all the public intelligence here worthy your attention, *that I am at liberty to communicate.*²

The committee of congress that has under consideration, what ways and means are most adviseable, for supplying the eastern states with flour, reported yesterday, and after some debate thereon, it was recommitted for amendments, but I believe it will not be long, before congress will come into some resolutions respecting the same.³

85. JOHN FELL, DIARY.¹

[February 10, 11, 1779.]

Wednesday Feby. 10th. Commercial Committee Congress Letters Read Mr. Morriss Defence and Papers Read. Deferd till Tuesday next.²

² See no. 70, *ante*. A letter from Gouverneur Morris and William Whipple to Governor Johnson, Feb. 9, relative to the quantity of flour wanted from the state of Maryland, is in Md. Hist. Soc., Red Book, XXIV. 64.

[83]¹ Md. Hist. Soc., Red Book, V. 35.

² This was evidently the news of the prospective alliance with Spain. See no. 81, *ante*. The memorial of the French minister conveying this intelligence does not appear to have been presented to Congress until Feb. 12; nevertheless Congress must have received intimation of its contents on the 9th. The order of that day to the committee on foreign affairs to report with all possible despatch lends additional strength to this assumption. See nos. 99, 116, 117, *post*. Cf. Washington to Laurens, Feb. 17 (*Writings*, ed. Sparks, VI. 175), to Jay, Mar. 1 (*ibid.*, ed. Ford, p. 178).

[84]¹ Mass. Archives, CC. 308.

² Cf. nos. 81, 83, *ante*.

³ The committee was appointed Feb. 1, on a representation of the delegates of Rhode Island and a letter from the Massachusetts council. Two separate reports were made by the committee Feb. 8, one on the Rhode Island representation, another on the Massachusetts letter. The latter was recommitted, and it was not until Feb. 26 that action was taken upon it. See also the *Journals*, Jan. 13. Cf. nos. 69, 80, *ante*, 86, 101, 110, 112, 175, *post*.

[85]¹ Library of Congress, Journals and Diaries.

² The *Journals* record that the letter was to lie on the table until the report of the day before should be determined upon. It happened that the matter was brought up the next day. Cf. no. 81, *ante*.

President Reeds Letters and Major Clarksons. Debates lasted till 5 oClock.³

Thursday Feby. 11th. Commercial Committee. Congress Sundry Letters read and Referrd to Committee Aron Lopezs Memorial relating to 2 Prizes, Referrd to the Committee of Appeals,⁴ Memorial of Capt. Cellorine⁵ to the Board of Warr. do. of Sarah Kennedy for the loss of her Estates, Referrd to the Treasury Board.⁶ Letter from Genl. Gates w'th an acct. of the Enemy at several Posts in Canada 2952 above Montreal 3922⁷ Letter from Jeremiah Powell President of Masachusets Bay giving an acct. of Coll. David Mason and others great defaulters of the Public Money at the Labratory at Springfield Referrd to the Commander in Chief, to bring the defaulters to a Court Martial.⁸ Mr. Laurens moved the House that he was fully satisfied in the affair relating to Mr. R Morris, and declared him clear of all Suspicion to which the House unanimously agreed.⁹ An order from the Treasury for Coll. Flowers department causd great debate and his Carractor Canvasd which appeard good.¹⁰

86. THE CONNECTICUT DELEGATES TO THE GOVERNOR OF CONNECTICUT (JONATHAN TRUMBULL).¹

PHILADELPHIA, Feby 11, 1779.

May it please your Excellency,

Your first enquiry, we presume, will be, how goes on Confederation? We have the pleasure to inform you that Jersey and Delaware have acceded,² and Maryland alone stands out. Her reasons for it we enclose to you;³ and whether we shall send to all the States for their consent to a Confederation of twelve, or wait for Maryland to consider better of it and accede, will be the most expeditious and prudent method of bringing this important business to a close, is the question.

Recruiting, providing for, arranging, and paying the army have long engaged the attention of Congress. These are all important objects, and

³ Cf. no. 69, *ante*, and nos. 110, 158, *post*.

⁴ Cf. the *Journals*, Apr. 19, 1780.

⁵ Capt. Lewis Celeron. See the *Journals*, Feb. 20.

⁶ See the *Journals*, Feb. 11, 17, June 29, and nos. 98, *post*.

⁷ These figures are from a letter of Gen. Jacob Bayley to General Gates, written from Newbury, N. H., Jan. 1, a copy of which is in the Washington Papers. The numbers of men at the several posts are given in two groups, the total of one group (those at Quebec, Sorel, Chambly, St. John's, and Ile au Noix) being given as 2952, the other (which includes Niagara, Three Rivers, and Chaudière) 970, and the grand total being 3922. The logic of the grouping is not apparent, and Fell's words, "above Montreal", do not apply correctly to either. Bayley adds, as from his informant, "That the Canadians are ready to join in".

⁸ Lieut.-Col. David Mason was deputy commissary-general of military stores at Springfield. Washington ordered a court martial Feb. 22 (letter to General Putnam, Washington Papers) and transmitted the proceedings of the court martial to Congress Apr. 12 (see the *Journals*, Apr. 14). See, further, the *Journals*, July 26, Aug. 30, Nov. 18, 1780.

⁹ See nos. 19, 20, 24, 28, 30, 31, 43, 81, *ante*.

¹⁰ Cf. no. 55, *ante*.

[86]¹ Mass. Hist. Soc., *Collections*, seventh ser., II. 347.

² See the *Journals*, Nov. 25, 1778, Feb. 8, 16, 22, 1779.

³ See the *Journals*, Jan. 6, May 21.

notwithstanding the present deranged state of our foreign affairs and internal resources, and the reduced condition of our finances, we hope and trust that such wise measures will be adopted and supported by the united exertions of the several States as will, through the smiles of Heaven, put them upon a firm and respectable footing. The committee appointed to confer with General Washington on this business have prepared a number of resolutions to lay before Congress, which when passed we shall embrace the earliest opportunity to transmit to your Excellency.

The resolution passed upon the representation from the State of Rhode Island of their inhabitants being likely to famish through the operation of the land embargo in Connecticut has been transmitted by the President.⁴

Although Mr Dean has long since been heard on his agency abroad, yet his affairs remain undecided upon. A committee is appointed to look through them, in order to bring them to a proper and speedy issue.⁵ . . .

With the highest esteem and respect, we have the honor to be

Your Excellency's most obedient and most hble. servants.

ELIPHALET DYER.

OLIVER ELLSWORTH.

JESSE ROOT.

87. RICHARD HENRY LEE TO ARTHUR LEE.¹

FREESTONE POINT VIRGINIA Feby. 11, 1779

My dear Brother,

As well as the shortness of my time will permit, I will give you the best detail in my power of things here since I wrote you fully by the Marquis Fayette of the state of our politics and parties.² The wicked intrigues which you experienced from a certain set, and of which you have so often and justly complained, have been practised here to a still greater and more extensive, mischievous length. The Tories avail themselves of it, and they are to a Man on Deane's side, hoping thereby to injure and deprive us of influence whose determined will and capacity to injure their cause they well know and fear. Deanes party in short rests on treple ground. The first and most considerable is Toryism, the second and next most considerable is Commercial plunder, the third is Ambition. These last are few in number, but artful, intriguing, and want now, when our affairs look well, to come into your and our b.³ Williams places, which they would not have dared even to have accepted before the late happy

⁴ See the *Journals*, Feb. 8, and no. 84, *ante*.

⁵ The committee was appointed Jan. 20.

[87]¹ Harvard Univ. Lib., Lee MSS., VI, 17; *Letters* (ed. Ballagh), II. 30 (with omissions).

² In his letter of Oct. 19 (*Letters*, ed. Ballagh, I. 441) Lee mentions that Lafayette was to carry a letter for him, and as the letter of Oct. 27 (*ibid.*, p. 445; also these *Letters*, vol. III., no. 590) was carried by Lafayette (*cf.* Wharton, *Rev. Dipl. Corr.*, II. 814-816), the latter is probably the letter here referred to. The letter of Oct. 19 referred to above was supposed by the editor of Lee's *Letters* to have been written to Francis Lightfoot Lee, but the letter contains clear evidence that it was to Arthur Lee. For instance, his son Ludwell, whom he asks to be introduced to Lafayette, was then in France, whither Lafayette was taking his departure, whereas Francis Lightfoot Lee was at that time in Virginia.

³ Brother.

change of our affairs, by the Alliance with France. Soon after I wrote by Marquis Fayette I left Philadelphia the 3d of Novr. having been between 6 and 7 months from my family and quite worn down with constant attention to public business. As I came [down I met our brother Frank going]⁴ up to Congress where he has been ever since. After I came away a month, Deane published his Libel of decr. 5 as you see in one of the papers now sent.⁵ The bold and impudent assertions, the dark innuendos, and the art with which the whole is wrought up, had it seems, such an effect in Phila. as to excite Tumults there in his favor. And to the Southward here, it had very ill, tho not such violent effects, because there are fewer Tories here to aid its operation. In the enemies quarters the City of N. York it created the most extravagant joy and underwent republication. These Intriguers who are wickedly working their own private benefit, do infinitely more injury to the common cause than all the power of our enemy can effect. Before they came here our business was going on with unanimity and with wisdom, since their arrival discord and faction have reared their baneful heads to the unimaginable injury of our affairs.⁶ . . . He⁷ and his party are now working to get him to Holland and themselves in your places. What may be their success God only knows. I am now on my way to Congress having been long detained at home by excessive bad weather and the Gout. Deane affirmed to Congress upon his honor that he was not engaged in Trade, nor had been except in two small ventures at first which turned out to loss. It might be very important to have his commercial connections clearly developed and proved. I have sent to the Virginia Press the other day a vindication of you and our b. Wm.⁸ against Deanes Libel wherein I have disproved some of his charges from original letters. I hope this will have a good effect. All sensible Whigs in this Country, and now the herd of Mankind begin to see clearly into Deane and his party. But he has a very strong and a very Artful party in [Congress]⁹ and by means of commercial connection a considerable [party] in almost every [state]. In the eastern States where he is well known he has by far the fewest supporters. Indeed he has very few there. Those people are wise, attentive, sober, diligent and frugal, which are qualities not fit for [D]eanes purposes. His principal [abettors] are from [New York] and some [are fou]nd¹⁰ from Pen—a

⁴ The manuscript is torn here, obliterating several words, but there is little doubt that what is here supplied gives the sense at least of the missing words. As Richard Henry Lee left Philadelphia Nov. 3, 1778, and Francis Lightfoot Lee arrived there Nov. 7 (see vol. III., no. 669), the two doubtless met on the road.

⁵ See vol. III., nos. 669, 697.

⁶ Lee here relates his connection with Berkenhout, substantially as in his letter to Laurens Dec. 26 (*Letters*, ed. Ballagh, I. 462; cf. vol. III. of these *Letters*, no. 689), and discusses further the Deane affair, chiefly on the basis of Francis Lightfoot's letters to him.

⁷ Deane.

⁸ Brother William. The production is found in *Letters* (ed. Ballagh), II. 5. See also the letter to Silas Deane, *ibid.*, p. 11.

⁹ Several words in this and also in a later passage are in cipher. They are enclosed in square brackets. Words in brackets which are due to defects in the manuscript are otherwise explained. Concerning the cipher, see. vol. III., p. 231 n.

¹⁰ A piece is torn out of the margin of the manuscript at this point, affecting also the words "Deanes", above, and "you" and "appear", below (all the other bracketed words are in cipher). The conjecture "found" is doubtful, but there is scarcely room, for instance, for the words "from Va. and". "C-r-l" is Carmichael.

and almost all from [Maryland]. For which purpose [you] may imagine C——r——l [was sent] to [Congress]. It does not [app]ear to me that the publications of Common Sense on Deanes affair merited all that *high* resentment shewn to it. The honest writer had only in view to disrobe Deane of the gaudy vest he had assumed as being the sole author and procurer of all the Supplies that came here in 1777. But you see that under this it has been so contrived as to get a general condemnation of all his publications on this subject—Altho the far greater part relates solely to Deane, and many honest truths are told and properly pressed. It wounded the party very deeply I fancy, and there was no other way to prevent the public effects it would certainly have had otherwise, and will yet in a great degree, for I am informed that people here do by no means agree with Congress in their general condemnation of these papers.¹¹ As for the noise made about its being said that the United States might make a treaty with England with't the consent of their Ally if war was not declared, I do not believe that any one Man of sense, or member ever said or thought any think [*sic*] like it. Tis mere pretence. For myself I know that I would sooner cease to live than I would agree in any manner or for any pretext to desert our Ally for whom I feel infinite gratitude and reverence. You know perfectly well how long and how ardently my Soul has panted after this connection with France. Perhaps there was not another Man in America so enthusiastically strenuous for the measure as myself. Indeed as Shandy says it was my Hoppy Horse. And now a pack of rascals would insinuate (for their private purposes) that I would injure the measure I have been so uniformly and so warmly promoting.¹² . . . Nothing could serve the common cause so much as stopping these abominable intrigues and factions here. And as Mr. [Gerard]¹³ has much [influence with] the [ministry] if [they]¹⁴ were [instructed] to [discontinue] it, a very happy consequence wd. f[ollow]. For my part, I see so clearly that the Man who serves the public honestly has so many enemies and persecutors, and I am so worn down in the public service that I am resolved to send my resignation to our Assembly next April. . . .

I am most affectionately and faithfully yours

R. H. L.

P. S.

Take all imaginable pains effectually to vindicate your own character. It would be of infinite consequence to get the Dutch into our Alliance and the acknowledgement of our Independence. . . .

¹¹ See the *Journals*, Jan. 5, 6, 7, 9, 11, 12, 16.

¹² Cf. his *Letters* (ed. Ballagh), I. 457, 462. Similar expressions abound in his correspondence.

¹³ There is little doubt of the correct interpretation of this cipher (455 b XIV). In a letter of May 23 (no. 295, *post*) the cipher appears several times in the form "455.b.1.XIV", while in a letter of Oct. 12 is found the same form as in this letter and is clearly intended for Gérard.

¹⁴ Some words here are almost entirely obliterated. All that can now be made out is, "2..aX... if (?)IX". It is conjectured that the first cipher is 243aXVII (ministry), the second 374aIX (they). Of the last word in the sentence ("follow"?) only the letter f remains.

88. HENRY LAURENS TO THE PRESIDENT OF SOUTH CAROLINA
(RAWLINS LOWNDES).¹

12th February [1779.]

Dear Sir

[P. S.] A Schooner loaded with about 18 Tons of Military Stores, which the Commissary of that Department has consigned to the Commanding Officer of the Southern Department and in his absence to the President or Governor of South Carolina will Sail for Charles town tomorrow.² I have most earnestly urged in Congress the immediate departure of Count Pulaski and his Legion, but they are still detained for adjusting old Accounts. I think the Paymaster might remain for that purpose and another appointed *pro tempore*, but we move no faster than we would do if the Southern States were in perfect peace and safety. The Count is as anxious for his departure as I am.³

Nothing yet done respecting an application to Count d'Estaing, I mean the indirect application intended to be made not yet gone forward, nor indeed the former reported.⁴ Your Excellency and all our distressed friends will judge of my feelings by your own.

I sent a packet of Newspapers including the 13th

89. THE SOUTH CAROLINA DELEGATES TO THE PRESIDENT OF
SOUTH CAROLINA (RAWLINS LOWNDES).¹

12th January [February, 1779.]

Sir

In obedience to Your Excellency's requisition for Military Stores to be sent by water we have made application to Congress for them and the means of transportation. As many stores of Musket, Powder and Shot from Buckshot to 6 pounders were ordered to be shipped in this Port for South Carolina as the Magazines here could with propriety spare. And about 18 Tons of those Stores were shipped in the Schooner *Count d'Estaing* which brought Your Excellency's letter of the 15th of January to the Honble Mr Laurens. A larger quantity of these Stores would have been shipped in his Vessel could she have carried them, but we shall endeavor to find some opportunity of sending forward what remains here of the quantities ordered.²

We are with great Respect, Sir,

Your Excellency's Most humble and Obedient Servants

HENRY LAURENS

W. H. DRAYTON

RICH'D HUTSON.

[88]¹ S. C. Hist. Soc., Copies of Letters mainly to Laurens, 1771-1782, p. 253.

² See the *Journals*, Feb. 4, and no. 89, *post*.

³ See the *Journals*, Feb. 4, 12, 13, 16, 18.

⁴ See nos. 63, 67, 68, *ante*, and the *Journals*, Feb. 5, 8. The suggestion that such an application might yet be made does not seem consistent with the action of Congress Feb. 8.

[89]¹ S. C. Hist. Soc., Copies of Letters mainly to Laurens, 1771-1782, p. 254.

² See no. 88, *ante*.

90. JOHN FELL, DIARY.¹

[February 12, 13, 1779.]

Fryday Feby. 12th. Commercial Committee Congress Letter from R Curson and others at Baltimore referr'd to the Marine Committee.² Lievt. Hales Letter³ Genl. Polaskas Letter to Recruit his Infantry to their full Establishment not agreed to.⁴

Saturday Feby. 13th. Commercial Committee Congress. Coll. Hartleys Resignation accepted Resolv'd that Congress have a high Sence of the Services renderd his Country. Great and long debates about the Mode of Receiving Mr. Gerrard to a Conference agreed to be on Monday 1 oClock in Committee of the whole House.⁵ Dined with Mr. R Morris⁶

91. DANIEL ROBERDEAU TO THE PRESIDENT OF PENNSYLVANIA
(JOSEPH REED).¹

PHILADA, Feb. 13th, 1779.

Sir,

Congress have now under Consideration the report of the Committee of appeals. On this important Subject the Delegates of this State would be glad of your advice, which I am desired to ask on their behalf.²

92. WILLIAM CARMICHAEL TO THOMAS HARWOOD.¹

Sir

His Excellency inclosed the Delegates your Letter of the 5th of Feby. which I have laid before the board of treasury for their consideration. A Multiplicity of important business hath hitherto prevented them from coming to any decision on its contents. I shall not cease to urge the

[90]¹ Library of Congress, Journals and Diaries.² This letter was from a committee of Baltimore merchants. See no. 77, note 2, *ante*.³ Christopher Hele. See no. 34, note 2, *ante*.⁴ See nos. 59, 72, 74, *ante*.⁵ See the *Journals*, Feb. 13, 15; cf. nos. 81, 83, *ante*, 93, 99, 105, 116, *post*. Thomas Fitzsimons of Philadelphia wrote to a correspondent Feb. 13: "Our Congress have within these few days given some hints that they were in possession of some Intelligence of the Utmost Conseq'e but say they are not at liberty to disclose it Various are the Conjectures upon it, but being merely Conjectures I cannot venture to give you any opinion of mine. Whatever it may be it has had a very good Effect in reducing the price of Gold" (Hist. Soc. of Pa., Dreer Coll.).⁶ Samuel Holten records in his Diary under the date Feb. 12, "I dined with the Hon. R. Morris, Esqr and 14 other members of Congress dined there". Holten has no other entry between the 8th and the 14th; the date of the dinner may therefore have been Feb. 13. On the 11th Congress had exonerated Morris from blame in the matter of recent charges against him.[91]¹ *Pa. Arch.*, first ser., VII. 192.² This was the case of the sloop *Active*, which had brought into prominence the question of the powers of Congress. See no. 57, note 2, *ante*. Thomas Burke wrote to Thomas Hart, Feb. 13, "I must take part in a debate that is now agitating" (N. Y. Pub. Lib., Emmet Coll., no. 1161; *N. C. States Recs.*, XIV. 22). It is doubtless the debate on this question to which he refers. See no. 69, *ante*, and no. 119, *post*.[92]¹ From the original, then in possession of Mr. Stan. V. Henkels.

board to acquaint you with their sentiments, which I hope will be done next post or sooner if opportunity offers.²

I am Sir

Your Humble Sert.

WM. CARMICHAEL

PHILADELPHIA Feb'y 15th 1779

[Addressed:]

Thomas Harwood Esq T. L. O.³
Annapolis

93. WILLIAM HENRY DRAYTON, MEMORANDUM OF CONFERENCE WITH THE MINISTER OF FRANCE (CONRAD ALEXANDRE GÉRARD).¹

Monday, February 15, 1779.

He informed the Committee² that his master, actuated by the most friendly regard to the United States, had ordered him to acquaint them that a great revolution had taken place in Great Britain respecting the question of their independence; that there had been a great party in the Cabinet Council of that nation in favor of that independence; that they were willing to grant that independence with certain conditions; that those conditions were somewhat similar to those proposed by the late commissioners; that they principally respected a kind of Federal Union, such as that the United States should assist Great Britain in her wars; that, however, this measure had been laid aside, the Cabinet being impressed with the representation of the Commissioners that divisions prevailed among the members in Congress, and between the Congress and some of the States; that by the operations of the Commissioners a foundation was laid upon which discord would arise between the United States and France in the ensuing campaign; that in its operation it would be sudden and critical, and that there was a powerful party against the independence of the United States; that the British Court, as they had always done, propagated and spread these suggestions throughout Europe, and were the more at large in the calumny, that some impressions might remain in consequence of the heat of the calumny; that although his most Christian Majesty paid no attention to these suggestions, yet he most strongly recommended concord without meaning in any manner to look into or interfere in the internal measures of the United States.

That such being the disposition of the Cabinet the beginning of October, the Court of Spain had thereupon taken her final resolution, as expressed by her remonstrance to the Court of London the end of that month, respecting her hostile operations against France, making the independence of the United States the preliminary article to a general pacification; that it was possible this would lead to a general peace, and that

² Cf. *Arch. of Md.*, XXI. 323, 368, 375, 387, and nos. 258, 266, 267, *post*. See also the *Journals*, July 17.

³ The letters stand for "Treasurer of the Loan Office". Harwood was commissioner of the continental loan office in the state of Maryland.

[93]¹ Gibbs, *Documentary History of the American Revolution*, II. 101.

² The conference was in the committee of the whole. See nos. 81, 83, 90, *ante*, 94, 95, 98, 99, 105, 116, *post*.

the negotiations would necessarily be rapid, as peace or war must finally be determined upon before the season for opening the campaign came on. That as the Court of France had no object in view but the independence of the United States, if this was to be obtained there was a great probability of peace; but if it could not be obtained, his most Christian Majesty would exert all his powers in the next campaign in prosecution of the war. That the Congress ought to lose no time in appointing a proper person to take a part in the expected negotiations; that he should be furnished with ample powers, as well as the desires of Americans as her ultimatum, relaxing in the first as in his discretion he should see fit, the distance being too great, and the crisis too pressing, to admit of applications to Congress for instructions; that the United States should consider their resources and their abilities on the one hand, and the probable advantages and disadvantages arising on the other, by continuing the war; that moderate terms might, perhaps, be now obtained; that the pride of Great Britain was too high, and her abilities too great, to submit to extraordinary demands at present. She might be able to continue the war for some years yet. France desired no aggrandizement by conquest, the Independence of America being alone such a debilitating of Great Britain, as to secure her effectually against the haughtiness of that nation.

That the Court of Great Britain had endeavored to form alliances upon the Continent; that twenty months ago she had applied to the Empress of Russia for a body of her troops for the American service; that she replied she had not been raised to empire by Providence for such a purpose; that she would not send her troops against a people who asked only for justice and liberty; she would not engage in such a bloody work. In short, she answered with such disdain, that the British ambassador retired from Court till he received instructions on that head from London; that these instructions were in such mild terms, that he returned as if nothing had happened; that afterwards he applied to the Empress that her Majesty should act in strict conjunction with the British, and that a large district in America would be assigned to the Empress; but she answered this in such a manner, as discouraged a renewal of the application. That Britain had also proposed to the King of Prussia to loan an army of observation, with the view of collecting to it such forces as were against the interests of the Emperor; that the King, the Emperor, and the Queen of Hungary, had applied to his Master to mediate in the disputes relative to Bavaria; that he being in alliance with Vienna, had not chosen to be alone the arbiter, but had called upon Russia to be a co-umpire, to which the King of Prussia and the Emperor had consented; that the Empress of Russia had desired of the King of France to mediate between her and the Porte; that thus it appeared none of the Great Powers of Europe would take part against France, and that Great Britain was destitute of alliances against his Master; that Spain wished to have the territorial claims of the United States terminated. She wished to have the navigation of the Mississippi shut, and possession of the Floridas; that she disliked the neighborhood of the British in that quarter, who were too restless and enterprising, and preferred that of the United States; that if the war continued, a subsidy might be obtained of Spain in aid of the

pecuniary wants of the United States; that this aid was most honorable to protect States to obtain under the mark of a subsidy; that it might at a loose rate call for 6,000 men, when not more than 3,000 would be expected to be embodied for the reduction of the Floridas, to be relinquished to Spain when conquered; that Spain might obtain that territory independent of the States; that if a peace now took place, Spain would have no claim upon the United States, nor would they have any upon the Floridas; that if this subsidy took place, the money might be lodged in respectable private hands in Paris, and if prudently managed would give the States a credit in Europe equal to their wishes; that at all events the United States should exert themselves to prepare for another campaign, and put on the appearance of aiming at more than they meant to strike at; for such an appearance would accelerate the negotiations, especially if the United States could strike a blow, which, though not important, might be brilliant; that peace was the time for the United States to recover their finances; that France had just begun to recover hers when hostilities begun between her and Britain; that had those hostilities been postponed two years, she would be more competent to the war; that, however, France had made every necessary arrangement for the next campaign. But that, as her exertions, and the maintenance of 60,000 men on the frontiers of Germany, to enforce her umpirage, would occupy all her resources, she was not able to afford those aids to America, which she was disposed to do, considering as she did the interests of America as her own.

94. SAMUEL HOLTEN, DIARY.¹

[February 15, 1779.]

15. Congress was resolved into a committee of the whole and the Minister of France was admitted to a private conference for some time. . . .

95. JOHN FELL, DIARY.¹

[February 15, 16, 1779.]

Monday Feby. 15th. Commercial Committee Congress. Conference w'th Mr. Gerrard.² 6 P M. Committee on foreign affairs.

Tuesday Feby. 16th. Commercial Committee 9 oC Congress. Great debates relating to Genl. Arnold, a Motion for Suspending him, agreed to Postpone the motion till the Committee brought in their Report.³ A Representation from the Assembly of Pennsylvania to their Delegates in Congress, Relating to the Distresses of the Frontier Inhabitants. Letter from Govr. Clinton of New York, and One from Govr. Turnbull, Connecticut all to the same Purport. Referrd to the Committee of Conference⁴ Letter from the Govr. of Virginia concerning the Convention Troops, refered to their Delegates Corn £10 to £15 per Barrell Dined with Coll. Griffin.⁵

[94]¹ *Essex Inst. Hist. Colls.*, LV. 251.[95]¹ Library of Congress, Journals and Diaries.² See nos. 81, 83, 93, *ante*, and no. 98, *post*.³ See no. 58, note 2, *ante*.⁴ See the *Journals*, Feb. 16, 17, 25, Mar. 13. Cf. nos. 96, 101, 102, 104, *post*.⁵ Cyrus Griffin, delegate to Congress from Virginia.

96. DANIEL ROBERDEAU TO THE SPEAKER OF THE PENNSYLVANIA HOUSE OF REPRESENTATIVES (JOHN BAYARD).¹

PHILADA. Feb'y 16th, 1779.

Sir,

The Instructions to the Delegates of this State in Congress, from a Committee of your Honorable House respecting the defenceless Situation of our Frontiers, is referred "to the Committee lately appointed to confer with the Commander in Chief, and that they be directed to confer with a Committee of the Assembly of Pennsylvania."²

Mr. Duane, Chairman of said Committee, requests through me, that he may be notified of the appointment of such Committee, and when and where they will hold the Conference.

I am with high esteem,

Sir, yr most obt hum. Servt,
DANIEL ROBERDEAU.

97. WILLIAM WHIPPLE TO JOHN LANGDON.¹

PHILADELPHIA 16th Feb'y 1779

My Dear Sir,

. . . . Our ships have been so unfortunate that many gentlemen (perhaps from different motives) very reluctantly consent to the appropriation of money to that service: however there are those who think differently and see clearly the importance of a Navy. Notwithstanding the views on both sides the question may be well intended, these different sentiments have a tendency to procrastinate matters which may sometimes be of great importance. . . .

I have urged the Commercial Committee to settle the commissions on some general system which they encourage me will soon be done, when you will have full information on that subject.² . . .

98. JOHN FELL, DIARY.¹

Wednesday Feby. 17th. 1779. Commercial Committee Congress Memorial Read from all the Officers now Prisoners on Long Island Praying to be Exchanged refferd to a Committee of 3. vizt. Duane, Atley and Dyer² Widdow Kennedys Report, and Treasurys Board opinion thereon Postponed.³ Sundry foreign Letters from Arther Lee and other Commissioners and from John Ross were Read G Morris moved with many Reasons well drawn up that the above Letters, and the late Conference with the Minister be Referrd to a special Committee agreed

[96]¹ *Pa. Arch.*, first ser., VII. 194.

² See no. 95, *ante*.

[97]¹ Library of Congress, Force Trans., Whipple, p. 617.

² Cf. the *Journals*, May 28, Dec. 31.

[98]¹ Library of Congress, Journals and Diaries.

² See the *Journals*, Feb. 17, 18, Mar. 4, May 21, June 3.

³ See no. 85, *ante*.

to 5 vizt. Morris, Burk, Weatherspoon, S Adams and Smith. Secret ⁴
6 P M Committee on foreign Affairs only 3

Thursday Feby. 18th. Commercial Committee Congress Letter from President Powell and one from Com'y Ward, on Long Island, in behalf of the Prisoners on Long Island, Referrd to the Committee appointed yesterday. Barron Stewbon the Inspector Generals Rules and orders,⁵ application from the Board of Warr for a further allowance, agreed 84 Doll's in addition to his Pay as a Major General. Letter from Count Polaska. Report of New Regulations in the Artillery Line etc.⁶ 6 P M. Committee on foreign Affairs Only 3 Members

99. WILLIAM WHIPPLE TO JOSIAH BARTLETT.¹

PHILADELPHIA 18th Feby. 1779

My Dear Sir,

Your two favors of the 9th and 20th Jany. came to hand Yesterday. I do not wonder at your uneasiness on acco't of the scituation of the Curr'y I hope what has been done by Congress will have some tendency to reestablish the credit of it, however something more must be done, and I trust, very shortly will. I am sorry to find your mind in so gloomy a scituation. "You fear, nothing but peace will save us from destruction" these my Friend are sentiments calculated for the meridian of Pennsylvania. Peace to be sure is desireable but in my Opinion a secondary Object. war with all its horrors is preferable to an inglorious peace. I hope we shall never consent to such a peace as will involve posterity in greater evils then we have suffered I have no doubt but there is vertue enough in the Army to undergo the fatigues of one more campaign they must be sensible that everything that can be is done for their comfort, and I will undertake to say that the strictest justice will be done them when it is in the power of their Country to do them that justice. I have heard nothing of Genl. Sullivan calling for the Militia he has never intimated any such intentions to Congress nor can I have the least conseption what they can be wanted for at this time. The design of the publication² you mention I believe was to conceal the Villany of the publisher. I need say nothing to you of the Charecters he endeavours to blacken you know them to be some of the best that this contest has brought on the stage. The Charecter he chiefly aims at, America is certainly under very great

⁴ The *Journals* mention only letters of Arthur Lee, with enclosures. The letter of John Ross was probably the letter to Deane, July 22, 1777, to which Richard Henry Lee makes frequent reference (see, for instance, the letter to Laurens, Dec. 26, 1778, that to Francis Lightfoot Lee, Jan. 10, 1779, and the public letter to Deane, in *Letters*, I. 462, II. I, 11). Ross's letter is in N. Y. Hist. Soc., *Collections: Deane Papers*, II. 97; a letter of July 19, to which that of July 22 is a supplement, is *ibid.*, p. 94.

It was this committee that reported upon the terms upon which peace would be considered, or what came usually to be called the ultimatum, or ultimata. See the *Journals*, Feb. 23, 27, Mar. 1, 3, 4, 9, 10, 11, 15, 16, 17, 19, 22, 24, and nos. 108, 110, 114, 119, 128, 133, 138, 143, 158, 159, *post*.

⁵ That is, the "Plan for the Department of Inspector General".

⁶ The "Arrangement of the Department of Ordnance".

[99]¹ Dartmouth College Lib., Bartlett Corr., vol. II., 1779-1790.

² The allusion is doubtless to Silas Deane's publication of Dec. 5. See no. 7, *ante*.

obligation to. to him we are indebted for every piece of good information we have receiv'd from Europe since the commencement of the dispute with Britain I am well satisfied the publisher wo'd give all his smuggled wealth to recall that performance but it is too late. he has tho' without intention given the key by which his base designs will be discovered and I hope public justice will be done. There can be no dependence on the intelligence you get from York that part respecting the 100 Dollar Bills certainly is not true.

By the last acco'ts from Europe American affairs have a much better aspect there then here the particulars I have not Liberty at present to communicate but I flatter myself I shall e'er long have it in my power to give you such intelligence as will dispel those gloom that at present seem to pervade your mind.³ but I hope every faculty will be exercised to have a very respectable army in the field if that is effected I have not a doubt but we shall (under the smiles of Heaven and assisted by our allies) Humble to the dust the proudest nation in the world have peace on our own terms and make America the seat of Happiness; that this Glorious event may speedily take place God of his infinite Mercy Grant Amen

Yours most sincerely

WM. WHIPPLE

Col: Bartlett

100. CHARLES THOMSON TO THE PRESIDENT OF PENNSYLVANIA
(JOSEPH REED).¹

PHILADA. Feby. 19. 1779

Sir,

I have the honour to transmit to you the proceedings of Congress in the cases mentioned or referred to in your letter this day read in Congress.² I beg leave to inform your excellency that there has been no complaint made against Genl. Maxwell by the state or the governor of New Jersey the complaint was made by Mr. Clarke late a delegate from that state, as you will see by the extract enclosed. The case of lieut col Carrington is of a delicate nature. The atonement he made was so full and satisfactory that could it have been done with propriety Congress would have willingly removed the whole from their journals, as that could not

³ See the *Journals*, Feb. 12, 13, 15, 17, 23, and nos. 81, 83, *ante*. Cf. nos. 105, 116, 117, *post*. In the *Literary Diary of Ezra Stiles* (II. 323), under date of Mar. 1, appears the following entry: "Hon. — Ellsworth last week from Congress came to Town. He told us there was grand News from Europe which was at present secret, but we should know it in due Time." Ellsworth obtained leave of absence Feb. 19.

The expression "those gloom", above, is doubtless incomplete, *those gloomy forebodings* probably being intended.

[100]¹ Library of Congress, Papers Cont. Cong., no. 69, vol. III., f. 617 (autograph copy, with endorsement by Thomson, "Copy of a letter to his excellency J. Reed, prest. of Council of Pensylvania Feb. 19, 1779").

² The letter is summarized in the *Journals*. For the Maxwell case, see vol. III., no. 700, and the *Journals*, Dec. 26, 1778, Jan. 2, 30, 1779. For the affair of Capt. James Nicholson, see the *Journals*, Apr. 29, May 1, 1777, and these *Letters*, vol. II., nos. 468-470, 474, 505. For that of Lieut.-Col. Edward Carrington, see *ibid.*, no. 674 (*cf.* vol. III., p. 188 n.), and the *Journals*, Aug. 18, 19, 1777, May 23, 1778.

be done, they have taken the only step in their power which was to order that this part of their journal should not be published. From your nice feelings of honor, I am confident that, in any use the Council may wish to make of these extracts, you will take care that lieut col Carrington's feelings may not be hurt, for though sometimes the manner of atoning for a fault sets a character in a fairer point of light than if no fault had ever been committed. Yet to men of nice feelings it must give pain to have it publickly known they were once guilty.

I write this in friendship and confidence having no authority for so doing. I beg leave farther to inform you, that should your excellency or Council have occasion for any minutes of Congress that are not directed to be kept secret, on the least hint to me they will be immediately furnished

I am Sir

Your obedient humble Servt

CHAS. THOMSON

101. JOHN JAY TO THE GOVERNOR OF NEW YORK (GEORGE CLINTON).¹

PHILADELPHIA, 19 Feb. 1779.

Dear Sir,

. . . Mr. Duane promises to prepare a joint letter for the Delegates to you, and I imagine it will be ready in the morning. Lest it should not, it may be proper to inform you that all the Departments are placed under the immediate direction of Gen. Washington, and therefore that provision for the security of the frontiers falls within the line of his duty and authority. Pennsylvania is under similar circumstances with you, and will equally demand and be referred to his care and protection.² . . .

The scarcity of bread in the East and South is become a serious subject, and I hope care will be taken to prevent so great a calamity in New York. Give while you have to spare, but regard to self preservation ought to set bounds even to acts of benevolence.³ . . .

102. THE NEW YORK DELEGATES TO THE GOVERNOR OF NEW YORK (GEORGE CLINTON).¹

PHILADELPHIA 19th Febr. 1779.

Sir,

We beg Leave to acknowledge the Receipt of your Excellency's Dispatches of the 9th Instant by Barclay.²

We lament the frequent Ravages of the western frontier. They have been severely felt both by our own State and Pennsylvania; and we are called upon by every motive to be vigorous in the necessary Preparations for punishing our Enemies and protecting our Citizens. The Commander

[101]¹ Harvard Univ. Lib., Sparks MSS., XII. 64.

² See nos. 102, 106, *post*; *cf.* no. 95, *ante*.

³ See nos. 80, 84, 86, *ante*, 110, 112, *post*.

[102]¹ *Clinton Papers*, IV. 580.

² Clinton's letter to the delegates, Feb. 9, is in *Clinton Papers*, IV. 555. Letters to Jay and Morris of the same date are *ibid.*, pp. 554, 556. The letter to Jay transmits to him a new commission as delegate. *Cf.* a letter from Francis Lewis and Gouverneur Morris to Clinton, Jan. 21, *ibid.*, p. 514.

in Chief has spent some time in this City in Conference with a Committee of Congress. No pains have been spared to impress him with a strong Idea of the absolute necessity of attention to these great objects. The operations which will be most effectual are submitted to his Judgement, and every Department is placed under his immediate Superintendence. With him, therefore, we wish your Excellency to correspond. We know that he has great Confidence in you and that your Solicitations and advice will have a proper weight.³

General Schuyler also stands high in his opinion; and we are fully persuaded that any Plan which you and he suggest, or Requisition which you make, will meet with all possible attention. These are as fortunate Circumstances for our Frontiers as could be wished, and we are persuaded they will be embraced. If any Obstructions arise, or any thing you may deem essential is omitted (which we have not the least Room to apprehend) we shall stand ready to support your Representations with the utmost Diligence and Zeal.

The arrangement of the army with respect to the relative Rank of the officers is not yet entirely compleated. This Defect, which has given room for dissatisfaction, is chiefly to be ascribed to the Committee's having left Congress before the arrangement was matured for a Report. It is however handed over to the Commander in Chief who is directed to finish it, the principles having been established by Congress. You will, therefore, be pleased to apply to him for Information; his own Anxiety on so interesting a Subject to the whole army will not brook Delay.⁴ . . .

Preparations are making by Congress for the ensuing Campaign. The Intelligence from Europe is not sufficiently decisive to Justify the least Relaxation, tho they are by no means discouraging. . . .

We have the Honour to be with the highest Respect Sir,

Your Excellency's most Obedient humble Servants

JAS. DUANE
JOHN JAY
WM. FLOYD
FRA. LEWIS.

103. JOHN FELL, DIARY.¹

Friday Feby. 19th. 1779. Commercial Committee Congress. President Reeds Letter, requesting the Resolutions of Congress with regard to sundry Officers therein mentioned. On Motion that he should have applied to the Delegates of the State, caused long debates² Letter from the Board of Warr, setting forth the necessity of Putting the Clothier Generals Business on a better footing, and also the exceeding bad management of the Commisary of Hides department; the first Referrd to the Committee of Conference, and the last relating Hides to the B'd of

³ See nos. 95, 101, *ante*; also Clinton to Washington Mar. 3 (*Letters to Washington*, ed. Sparks, II. 255; *Clinton Papers*, IV, 611), and Washington to Congress Mar. 3, to Clinton Mar. 4 (*Writings*, ed. Sparks, VI. 182, 183).

⁴ See the *Journals*, Feb. 4.

[103]¹ Library of Congress, Journals and Diaries.

² See no. 100, *ante*.

Warr to Report The Treasury requested a New Emission of 5,16000³ and also their reasons for not complying with the request of the Commercial Committee for 500,000 D's.⁴ President acquainted the House that the Minister of France had told him, that his health was Impaired and he beleived the Air of this Country did not agree with him, that he had leave to go to France, and that another was appointed in his Room. A Frigate was ordered to be immediately Prepaid to carry him Home.⁵

This night the Committee⁶ did not meet, Rainy night

Saturday Feby. 20th. Commercial Committee Letter from John Hart, relating to his Loss by Cloth taken from his fulling Mill. Committee of 3. Vizt. Dyer, Hill and Weatherspoon.⁷ Letter from Capt. Hector McNeal to be considerd on Tuesday. Memorial of Lucy De Pasey.⁸ Board of Warr. do. from Capt. Celleron, to have a Brevet for the Rank of Major. No. Motion to allow him 1000 D's agreed Ay.⁹ Petition from Timothy Pening to send a Vessell to Jamaica referd to a Committee vizt. Adams, Dyer, and Collins.¹⁰ Report read about the Convention Troops in Virginia 2 Auditors appointed for the Army. vizt. Varley and Powell¹¹

³ The correct figures are 5,000,160.

⁴ The report of the board of treasury on this subject, dated Feb. 15, is found in the *Journals* under that date. Fell's entry indicates that the report was not brought in until this day.

⁵ The *Journals* record only the order for the preparation of the frigate. Samuel Holten records in his Diary under this date, "I understand Mr. Gerard is going to return to France on account of his health". He did not, however, take leave until Sept. 17.

As early as Oct. 25, 1778, Gérard had written to Vergennes of the serious state of his health, which he attributed to the climate, and had asked for his recall. He urgently repeated this request Feb. 5, 1779, and expressed the hope that he might be relieved by the month of April. On Feb. 24 he wrote, "I propose to leave on the first occasion which presents itself". Then on Mar. 8 he wrote to Vergennes:

"The symptoms of the malady which oppresses me, in spite of every possible remedy and the pleasant weather which we have enjoyed for a month, continue with unabated violence; therefore I have confidentially announced to Congress my early departure. They have expressed their regrets in the most obliging manner; many members have told me they have long foreseen that I would be obliged to leave on account of the climate. The Chief of Admiralty came immediately to offer me, among all the vessels of the State, my choice of the one by which Congress wishes to conduct me to France. I have chosen this time because I wished to sail with the Plenipotentiary of Congress, and because the Public, who are vaguely imbued with the idea that important matters are being considered, will take this association as proof that the most perfect harmony exists between us.

"Congress to whom I communicated these ideas thanked me warmly and approved them. As to the time of departure it will depend upon the actual termination of the deliberations of Congress. I will not leave earlier even at the peril of my life. I hope Monseigneur, that these considerations will aid my justification and that perhaps my presence in France may not be entirely useless to you." Transcripts of these letters are in the Library of Congress. Translations of them were kindly furnished by Miss Elizabeth S. Kite. See nos. 143, 167, 225, *post*.

⁶ Presumably the committee of thirteen on foreign affairs, which, according to Fell's Diary, was meeting almost every evening at six o'clock. See no. 46, *ante*.

⁷ See the *Journals*, Feb. 20, Apr. 7, Oct. 9.

⁸ According to the *Journals*, the memorialist was "Lewis D. Passern". Probably, however, it was William De Passern, who, in a memorial dated Aug. 27, 1778, read in Congress Sept. 8, described himself as major of the regiment of Hesse Hanau. See also the *Journals*, Nov. 19, 1778. Cf. no. 292, *post*.

⁹ Cf. the *Journals*, and no. 85, *ante*.

¹⁰ The letter from Timothy Penny was referred to "the committee on the letter from Mr. Taylor". This was Claver Taylor, and the committee was Collins, Thomas Adams, and Dyer. See the *Journals*, Dec. 17, 18, 1778, Mar. 13, 1779, and vol. III., no. 682. For the decision on Penny's petition, see the *Journals*, May 31.

¹¹ Felix Varley and Alexander Fowler.

Motion for Pay Master and Treasurer for the Marine Board, deferred. Motion for 100,000 D's for the Commercial Committee. Motion for the Officers to be furnished and the Quarter Master, with Portmantuas, and Valances at the Publick Expense.

104. JAMES DUANE TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

Dear Sir,

PHILAD. 20th Feb'y, 1779.

. . . . It was but within a few days that we learned that the maps and papers concerning the claims of the revolvers from our State were in Mr. G. Morris's hands.² I came from Fishkill with information and a strong persuasion that they remained in the Sec'y's office. On all accounts it is a favorable juncture to settle the dispute with these malcontents, and I flatter myself that Congress will do what is right and for the general interest. They certainly owe it to us as an act of justice, setting policy out of the question; for some of their own acts, and much more the conduct of two of their generals have served to inflame the ambition of the revolvers, and flatter them that the separation was not disagreeable to the highest power. The arts of individuals have gone still further. I trust however that all these projects will be baffled by right and truth.

Our Finances are in a delicate and difficult situation. I hope however that we shall be able to restore the public credit in spite of the malice of our enemies and the avarice of our citizens. I am pleased to find a free spirit of inquiry in your news-papers. We shall be happy in receiving information; and I would be far from discouraging those whose literary labors are employed in so interesting a subject. And yet it seems strange that the real farmer has never stopped to ask himself whether any man would touch continental money after it had been taxed 25 per cent. or even a fifth of that sum! by the authority of Congress; to say nothing of the arbitrary assumption of power which must be implied in such an act. Congress have a right to call on the States for contribution; but the mode of taxation rests solely with their separate legislatures. I do not despair but remedies will be discovered, if the last act of Congress should not prove effectual; we must give time for its operation, and as well as we can reconcile our citizens to the distress which that and every other means which can be devised will occasion. The paper money has been extended too far; like a disjointed limb, it cannot be reduced without giving pain.³

105. FRANCIS LEWIS TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

Dear Sir,

PHILA. 20th Feby. 1779.

I have been honoured with your letter of the 1st Instant.

You will undoubtedly ere this reaches you hear the current bruit of the present time, *i. e.* that Congress are possessed of great news received from

[104]¹ Harvard Univ. Lib., Sparks MSS., XII. 66.

² See Gouverneur Morris to Clinton Feb. 20, *Clinton Papers*, IV. 584.

³ See Clinton to Duane Feb. 2 (*ibid.*, p. 540), and to Morris, same date (*ibid.*, p. 535).

[105]¹ *Clinton Papers*, IV. 583.

Europe but for reasons of State, think it improper at this time to be divulged; this has raised the curiosity of the public to know what the mighty Secret is. As a member of Congress I am enjoined to Secrecy, but think myself at liberty to communicate to your Excellency (in confidence) that Mons'r Gerard has given Congress such intelligence as will put our affairs upon a more respectable footing than ever, but then it will be necessary that we exert ourselves in our military appearances, but above all in our unanimity, for the only hope Britain has now left, is to divide us.²

The Rumor has this good effect, that Engrossers and monopolizers are at a stand, many offer goods for Sale, but few choose to buy, so that goods fall in price, and our money appreciate; the Express waiting obliges me to conclude

Your Excellency's most Obedt. Humble Servant
FRA. LEWIS.

106. JAMES DUANE TO PHILIP SCHUYLER.¹

PHILAD. 20th Feb'y 1779

My dear Sir

. . . . The General has a great Esteem for, and writes confidentially to you: I need therefore say nothing on the military preparations you mention. Every Department and Detachment of the Army are put under his immediate Care, and Congress have the most unlimited Confidence in his Wisdom and Judgement as well as his Zeal and Integrity. Congress I believe wish to give all his Operations what none have had hitherto, the advantage of Secrecy: for which Reason they have not been the Subject of debate, and I fancy you are one of a very few with whom they are entrusted. I do not say this on Account of Caution: to you it is unnecessary. I have Reason to think the General while attending Congress, or rather a Select Committee of five, expressed to many Members his Reluctance at your quitting the Army, and wished it could be prevented. No Motion has however been made, and when it is I am apt to think it will depend on your Friends to turn the Scale. you will have a *strong advocate* in R. H. L. who took his seat this day.²

107. MERIWETHER SMITH TO JOHN PAGE.¹

PHILADELPHIA, Feby 21st 1779

Dear Sir,

I have recd. your Favor of the 4th inst. on the Melancholy Subject of the wretched Condition of our Country, and I can truly say, with you,

² Cf. nos. 81, 83, 90, 99, *ante*, 116, 117, *post*. Lewis wrote again to Clinton Feb. 24, in nearly the same terms (*Clinton Papers*, IV. 585). Cf. his letter of Mar. 13, *ibid.*, p. 658.

[106]¹ N. Y. Pub. Lib., Schuyler Papers, no. 551; *ibid.*, Bancroft Coll., Schuyler Papers, no. 719 (copy); Harvard Univ. Lib., Sparks MSS., LX. 157.

² Concerning the conference with General Washington, see nos. 5, 37, *ante*. Concerning Schuyler's resignation, see the *Journals*, Jan. 5, Mar. 18, Apr. 19, and nos. 144, 241, *post*.

[107]¹ Library of Congress, U. S. Revolution. Addressed, "To the Hon'ble John Page Williamsburg Virginia".

that I have *snatched a Moment* to answer it; For the Multiplicity of Business on my Hands, and the Manner in which it is conducted here,² renders the Task I have undertaken arduous indeed.

The Scarcity of provisions throughout the Continent, and the amazing Depreciation of our Money which renders that Scarcity more severely felt, are much to be lamented; but these are Misfortunes which in the present Moment are without a Remedy; unless it be in the Fortitude and Exertions of the sensible and virtuous Part of the Community, who may destroy the depreciating Spirit which prevails, and by Precept and Example, encourage that *Industry* and *Frugality* on which our Safety and Happiness as a Nation depend. Every Preparation should be made to encrease the Quantity of Provisions in Virginia the present year. . . .

The Governor and Council are vested with Powers to dispose of the Convention Troops as the Necessity of the Case may require.³

The 11th and 12th Articles of the Treaty of Paris are given up by France.⁴ It is impossible for a Nation to act with more Disinterestedness; and every Day affords us fresh Proofs of her Friendship. Whilst I know this, I can not but feel an Indignation against the Conduct of those little Politicians (not to say worse of them) who know not how to distinguish between the Nation and a few individuals of the Nation; and who are so much under the Influence of Folly and Prejudice, that, when Harmony with that Nation is essentially necessary to our Safety, they are daily sowing the seeds of universal disgust.

I beg that the People of Virginia will not think that the Disputes of Messrs. Lee and Deane can be attended with any Serious Consequences to these united States. Believe me they would not deserve the serious Attention of a Moment if they did not interrupt the Business which is of more Importance.

I beg you to present my respectful Compliments to your Lady and believe

Yr aff'e hble Servt.

MERIWETHER SMITH.

108. JOHN FELL, DIARY.¹

Monday Feby. 22d. 1779. Rain Commercial Committee Congress. Letters from A Lee at Paris² Letter from Wm. Bingham Agent at Martinico per the *Revenge* Cutter w'th One Case of Tea and 50 Chests of Arms.³ long debate ab't the Foreign Committee A Lee beleives the British Commissioners have orders to acknowledge our Independcy.⁴

² Possibly an echo of Laurens's parting fling in his resignation as President (*Journals*, Dec. 9, 1778).

³ See the *Journals*, Feb. 20.

⁴ See the *Journals*, May 5, Oct. 22, 1778, and Wharton, *Rev. Dipl. Corr.*, II 699. [108]¹ Library of Congress, *Journals and Diaries*.

² The *Journals* mention letters from William Lee, but none from Arthur Lee. See note 4, below.

³ The *Journals* do not mention the case of tea. Samuel Holten recorded in his Diary for this day, "Yesterday Capt. Cunnacone arrived here from France". It was Gustavus Conyngham, commander of the *Revenge*. Cf. no. 64, *ante*, and nos. 133, 135, *post*.

⁴ See note 2, above. The allusion is probably to a statement in William Lee's letter of Sept. 12, in which he says, "I am informed, and have reason to believe my

Tuesday Feby. 23d. Commercial Committee Congress. Sundry Letters Read. Committee of Conferrance with Mr. Gerrard brought in a Report. after long debate agreed to consider on the Report on Thursday in a Committee of the whole House ⁵ 6 P M. Committee on forreign affairs

109. THE PRESIDENT OF CONGRESS (JOHN JAY) TO
GEORGE WASHINGTON.¹

PHILADELPHIA 23d Feby. 1779

Sir,

Congress consider Genl McDougall's Application worthy of attention, and the better to enable your Excellency to comply. if you think proper with his Request have ordered a thousand Dollars to be forwarded to you. The enclosed is a Copy of the Order for that purpose.²

110. JOHN FELL, DIARY.¹

[February 24-27, 1779.]

*Wednesday Feby. 24th.*² Commercial Committee Congress. Letters from the Commissioners at Paris to know the Colours used per the different States referd to the Marine Committee. And also how to treat with Algerines, Referrd to Mr. Carmichael, Nelson and Burk. Members chose to fill up the Marine Committee vizt. for Virginia R. H. Lee Pennsylvania Mr. Searle New Jersey Mr. Fell Treasury Board Mr. Frelinghuysen, Committee on foreign affairs Mr. Dyer. A Soldier Condemned per a Court Martial, Pardoned. President Reeds Letter and papers relating to Major Clarkson Read, and several motions made respecting him, occasion long debates till Past 5.³

*Thursday. Feby. 25th.*⁴ Commercial Committee Congress Letter from Major Genl. Mifflin desiring leave to Resign his Commission, after long debate it was accepted. At the Request of the Assembly for the State of Pennsylvania, agreed to Raise 5 Companys of 73 Men Each for the defence of the Western Frontiers the acct. to be transmitted to the Commander in Chief Dr. Wetherspoon went home

information true, that orders have already been sent to their commissioners in America to acknowledge our independence if nothing else will answer, in order to commence a treaty and make peace" (Wharton, *Rev. Dipl. Corr.*, II. 715). Cf. Arthur Lee's letter of Nov. 15 (*ibid.*, p. 839). Doubtless the communication of "An American" (Gouverneur Morris) in the *Pennsylvania Packet* of Feb. 27 (see no. 132, note 2, *post*) was in part written in view of this news.

⁵ See no. 98, *ante*, and nos. 110, 114, *post*.

[109]¹ Library of Congress, President's Letter-Book, III. 53.

² See the *Journals*, Feb. 22. In his letter to Congress, Feb. 19, Washington says: "A letter of the 11th ulto. from General McDougall contains the following paragraph—'If Congress will order me one thousand dollars in hard cash without delay, I will pledge myself to make such use of it as will abundantly compensate for it, to the Continent, divert them and the army'—I have since sent him fifty guineas which were all I could spare out of my stock." For an explanation of McDougall's purpose, see his letter to Governor Clinton Jan. 20, *Clinton Papers*, IV. 501.

[110]¹ Library of Congress, Journals and Diaries.

² "24. Mr. R. Temple from Massa. Bay arrived here" (Samuel Holten, Diary). See the *Journals*, Feb. 27, Mar. 6.

³ See no. 69, *ante*, and no. 158, *post*.

⁴ "25. Congress sit late. Mr. R. Temple, Governour Morris, Genl. Mifflin and Colo. Webb from Connecticut dined with us" (Samuel Holten, Diary).

Fryday Feby. 26th. Commercial Committee Congress. Letter from G'l Lee to Nego[t]iate in N York some Bills of Excha. for Gold to Purchase Negroes Vote pas'd in the Negative.⁵ Report for Masachusets and Rhode Island, to send for Flour to the Southern States, agreed under Restrictions of their several Governors etc.⁶ 6 P M. Attended the Committee on foreign Affairs. agreed to Mr. Laurens, Mr. Paca and Mr. Burk drawing a Report.⁷

Saturday Feby. 27th 1779. Commercial Committee Congress. Letter from G'l Lee, Referrd to the Treasury Board. Order of the Day. The house went in to a Committee of the whole.⁸ Coll. Frelinghuysen went home

III. WILLIAM WHIPPLE TO JOSIAH BARTLETT.¹

PHILADELPHIA 28th Feby. 1779

My Dear Sir

Your favor of the 28th Ult. is now before me I expected the calling in so considerable a sum would produce convulsion, but hope will eventually have salutary effects, the Emission of may 1777, 16,500,000 and that of Apl. 1778, 25,000,000 The Gentn. of the Treasury inform me they have given perticular direction to the Loan Officers respecting this Business, but as those directions did not go from this City till late in Jany. they could not have reached N. H. the 28th. I hope the collectors will be very careful to avoid counterfeits. there has been more discovered in those Emission[s] then any other and some of them so well immitated that it is very difficult to distinguish them from the true Bills. I am not apprehensive that Mr. D——s² publications will be attended with very bad consequences, but expect the operation will be very different from his expectation. it is highly probable they will be the means of bringing to light such of his conduct as will by no means redound to his Honour and will convince every honest man that he was totally unworthy of the trust reposed in him; You ask if "there can be any body that can justify his Conduct" if you mean his publications, I answer there are none that dare do it publicly but I have not a doubt that there are some who were well acquainted with his intentions before he appeared in print and perhaps advis'd to the measure, but finding him unsupported by truth think it prudent to keep behind the scene Your own knowledge of the charecters now on the stage will lead you to form an opinion whether he has supporters; You know that the greatest Villains that ever lived (especially in public life) have found Friends you are also sensible that integrity and uprightness will meet with opposition. it is therefore by no means wonderfull that these different charecters should meet with Friends, and Opposers, when so wide a field is open for the display of genious in the different modes. . . .

⁵ See the *Journals*, Feb. 22, 26, 27.

⁶ See the *Journals*, and nos. 84, 86, 101, *ante*, 112, 175, *post*.

⁷ The report was brought in Mar. 24, and was taken into consideration from time to time during the next several months. See no. 46, note 5, *ante*.

⁸ That is, on the question of the ultimatum. See no. 98, note 4, *ante*.

[111]¹ Dartmouth College Lib., Bartlett Corr., vol. II.

² Silas Deane.

I hope the genl. Court in their next session will choose Delegates for it will be of great importance that the state sho'd be represented in Congress the insuing summer. my Colleague is determined to go home early in Apr'l and it will be impossible for me to tarry the summer

I am Your affec'te Friend etc

WM. WHIPPLE

Observations on the American Revolution by a Committee of Congress is just come from the Press³ it being too bulky to go through the Post office I shall send you one by the first oppor'y

112. THE MASSACHUSETTS DELEGATES TO THE PRESIDENT OF THE
MASSACHUSETTS COUNCIL (JEREMIAH POWELL).¹

PHILADELPHIA March 1, 1779

Sir,

We have the honor of your favour of the 15th Feb'y.²

That part of your Letter which respects the fortifying Boston and Disposition of the continental army, we shall communicate to Congress, who having already appointed a Committee to consider the first, and another Committee in conjunction with Gen. Washington to determine on a general plan of operation for the next Campaign, will of Course refer your propositions to their Consideration.³

We have the honor to be, with much Respect for the honorable assembly and Yourself,

your most obedt. and very hum servants

SAMUEL ADAMS
E. GERRY
JAMES LOVELL
S. HOLTEN

³ See the Bibliographical Notes, in the *Journals*, XV. 1452; *cf. ibid.*, Apr. 5, May 5, June 21, and no. 79, *ante*. John Henry wrote to Governor Johnson of Maryland Mar. 9: "I have sent you by this post a pamphlet called observations on the American Revolution as drawn up by a Committee of Congress. It is little more than connecting and throwing together in one point of view the proceedings of Congress" (*Md. Hist. Soc.*, Red Book, V. 16). Its author was Gouverneur Morris. *Cf.* no. 127, *post*.

[112]¹ Mass. Arch., CC. 331.

² Holten recorded in his Diary Feb. 27, "Doctr. Crague arrived here from Boston and brought a letter from the Gen. Court to the delegates from Massachusetts Bay" (*Essex Inst. Hist. Colls.*, LV. 252).

The omitted part of this letter pertains principally to the matter of scarcity of bread. The question had been brought before Congress Jan. 13, in a letter of the Massachusetts council dated Dec. 18, and action was taken on it Feb. 26. Samuel Adams wrote to the Massachusetts board of war Feb. 16, "A Com^e of Con have under Consideration a Letter from M B [Massachusetts Bay] on the Subject of provisions, and I am informd they are ready to make Report" (*Writings*, IV. 125). See no. 110, *ante*, and no. 175, *post*.

³ A letter of the Massachusetts council, Dec. 15, 1778, relative to fortifying Boston, was read in Congress Jan. 13 and referred to the marine committee. *Cf.* the *Journals*, Jan. 30. See also nos. 113, 188, 189, *post*. Concerning the committee of conference with General Washington, see no. 25, *ante*.

113. JAMES LOVELL TO HORATIO GATES.¹

March 1st 1779

Dear Sir

. . . . As to the fortifying of Boston I must own to you I have not been distressed at the Delay which that Business has had in Congress. If the proposal should be complied with beyond fortifying the Harbour only, I should never wish to live in the City. If the Continent are to fortify they will claim the Right to garison, which I should be sorry ever to see. I do not want my native Place to be turned into a Wapping or even a Portsmo. Plym'th or Chatham. As to Du Portails Plan for the Continent at large the whole Treasury of Spain is essential to it.²

I am afraid of the Arts that are using to hurry us into a rash [ultimatum].³ We are told that such is our *first* Business tho' your Letter and the Observation of a blind man may convince us to the contrary; but forsooth [France and Spain] are of that opinion fully as say the Lick spittles of [the Plenipo].⁴ There will be no puzzl about [south bounds]. But shall neither [Canada Nova Scotia] nor [fishery] be in the [ult].⁵

114. JOHN FELL, DIARY.¹

[March 1, 2, 1779.]

Monday March 1st. Commercial Committee Letter from Genl. Washington, inclosing one from Genl. Maxwell at Elizabethtown, that the Enemy had left that place after a fruitless Incursion. Memorial from Mr. Holker offering a Million of Doll's on Loan.² Referrd to Mr. R. H.

[113]¹ N. Y. Hist. Soc., Gates Papers, XIV. 262.

² See no. 112, *ante*, and nos. 188, 189, *post*.

³ The words in square brackets in this passage are written in cipher. The abbreviations "plenipo" and "ult" are of course for *plenipotentiary* (of France) and *ultimatum*, respectively. For an explanation of the type of cipher used in this letter, see the note on "Ciphers of the Revolutionary Period", in *Am. Hist. Rev.*, XXII. 229. For other letters in which the same sort of cipher is used, see Lovell to Mrs. Abigail Adams, June 26, Aug. 10, Sept. 15, Dec. 4, 1781, and to John Adams, July 21, 1781, in the next volume of these *Letters*.

⁴ See no. 202, *post*.

⁵ See the *Journals*, Feb. 23. Cf. nos. 114 (note 5), 155, 189, *post*.

[114]¹ Library of Congress, Journals and Diaries.

² Holker's memorial (in translation) is in S. C. Hist. Soc., Laurens Papers, Congressional, and is dated Feb. 27 (the date on which it was first read in Congress). He intimates in the outset that in offering his proposition and accompanying remarks "he fulfills the wishes of his Prince and the instructions of his ministers". He then discusses the depreciation of the currency, its causes and consequences, contending that depreciation is largely due to the paralysis of commerce, which must be reanimated, by better protection against the enemy's privateers and by the removal of other obstacles, as an essential means to the realization of funds in Europe and the facilitation of public loans. His proposition is embodied in the following paragraphs:

"In order to arrive at the end proposed, it is necessary either to obtain such Convoys as may repel every attack or find means to diminish the Risques and at the same time make returns to Europe which may be depended on. as the former method is not within the line of the underwritten he will take notice of the latter only: For this purpose he proposes that the Committee on the Treasury or Treasurer, should be authoris'd to make out quadruplicate Bills or notes for the sums which shall be brought in payable to the party or his order: that these Bills or notes should be registered in Books to be kept by the Committee, the treasurer or treasurers of loans—

Lee, Laurens and Morris.³ Committee of the Assembly of Pennsylvania, desire a Conference with a Committee of Congress, relating to the Emotions call'd out of Circulation, Gerry, Carmichael, Duane Motion for the Committee to whom was Referrd the Letters and Papers from President Reed, etc. be Requir'd to send and Examine on Oath Mr. Mitchell D Q M Gener[al] respecting the Waggon, said to be employd per Genl. Arnold.⁴ Congress went in to a Committee of the whole House, Respecting the fixing the Bounderies of the United States.⁵

Tuesday March 2d. Commercial Committee. Congress. some Letters read, and a Memorial from the Board of Warr, about clothing the Army

Report for Raising a Lone in Europe, and the Propriety of Paying Beaumarchies Debt, debated till 4 o Clock.⁶ 6 P M. Attended the Marine Committee (first time[.])⁷

115. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA March 2d 1779

Sir,

Inclosed is a resolution of Congress which we hope with the recommendation already given to the States of New York and Connecticut may enable our State to procure a supply of bread for its poor.² . . .

Pennsylvania was not allowed to stand in the report because the army which is in its neighbourhood will want more flour than it can spare.

We have moved Congress frequently on the Subject of our proportion of the Tax for the current year but have not been able to procure a deci-

that they should be in the Name of those in Europe who shall have hazarded their Property to this Country: that the Interest should be payable in America during the war, and from the Conclusion of it by the Banker of Congress in France, and that the Capitals should not be payable till the expiration of five, ten, fifteen or twenty years, at the option of Congress, after the establishment of Peace. . . .

"It is needless to point out the advantages resulting to the public or to draw a Picture of it's necessities: The underwritten will only announce that he is ready by a loan of a million of Dollars to support his proposition; that this or a similar arrangement will Inspire the French Merchants with confidence and activity, and that they will immediately send hither considerable Quantities of European merchandise particularly of those Kinds which are most necessary."

³ The third member of the committee was not Gouverneur Morris, but Meriwether Smith, although Morris and Carmichael were added to the committee Mar. 20, when a second memorial was presented. See note 2, above, also the *Journals*, May 22; see also note 6, below.

⁴ See no. 58, note 2, *ante*.

⁵ A report of the committee on the communications of the minister of France. See nos. 98, 108, 110, 113, *ante*, and nos. 119, 133, 138, 143, 151-153, 155, 159, *post*.

⁶ The *Journals* do not mention that the question of a loan was under consideration this day, but do record the consideration of "the report of the Committee of Conference" (an order of the day set Mar. 1). This may have been the report of that committee dated Feb. 2 and found in the *Journals* under Feb. 4, which accords with Fell's entry. For the disposition of this report see the *Journals*, May 28. The consideration of the report at this time was probably induced by the appearance of Holker's memorial.

⁷ Fell was placed on the marine committee Feb. 21.

[115]¹ R. I. Arch., Letters to the Governors, 1778-1779; Staples, *R. I. in Cont. Cong.*, p. 210.

² See the *Journals*, Feb. 26; *cf. ibid.*, Feb. 1, 8; also nos. 84, 86, 101, 110, 112, *ante*.

sion. The members are very loth to counteract their resolution and thereby lessen the whole sum to be collected. We have a prospect of getting So. Carolina to take off fifty thousd. dollars and assume it to themselves. I hope we shall be able to struggle through the tax thus reduced. The more we pay now the less we shall have to pay hereafter when the money may be appretiated . . . we continue with the warmest attachment to your excellency,

Your Excellencys most obedient hble Servants

WILLIAM ELLERY

JOHN COLLINS

P. S.—I had spoken to the Secretary for a Copy of the Resolution on supplies but it hath been forgotten and the Post being just about to set out, will not admit of our Waiting for a Copy. However you will receive a copy of it through the President. We have obtained a resolution for taking off fifty thousand dollars from our proportion of the tax, and putting it on South Carolina, since we wrote the paragraph respecting that subject.³ The Secretary is so busy that he cannot give us a copy of it. We will send it by the next post. In the mean time, the Assembly may proceed to taxation, if they should think proper.

We write in Congress.

WILLIAM ELLERY.

116. THE MARYLAND DELEGATES TO THE MARYLAND ASSEMBLY.¹

Gentlemen

We consider it as our Duty to write you during the present Session of the General Assembly such Intelligence as Congress are possessed of and which no Injunction to Secrecy forbids our Communication.

We are sorry the particular Circumstances of the Case will not suffer us to give you a Detail of the Intelligence lately received from Europe. it is truly important and favourable to America: but whether the Train our Affairs are in points to Peace or War it is absolutely necessary that every Exertion be made to have a respectable Army in the Field.² . . .

We have the Honor to be Gent.

Yr. most Obedt. hble Servts.

GEO. PLATER

WM. PACA

WM. CARMICHAEL

J. HENRY JUNR

PHILA. March 2d 1779.

³ See the *Journals*, Feb. 19, Mar. 2, and no. 130, *post*. The resolution apportioning the taxes was adopted Jan. 5.

[116]¹ Md. Hist. Soc., Red Book, V. 44.

² See nos. 81, 83, 90, 99, 105, *ante*, and no. 117, *post*. John Henry wrote to Governor Johnson Feb. 23, "The Intelligence which Congress has received shall be communicated to you as soon as I am at Liberty" (Md. Hist. Soc., Red Book, V. 43).

117. THE PRESIDENT OF CONGRESS (JOHN JAY) TO
GEORGE WASHINGTON.¹

PHILADELPHIA 3d March 1779

Dear Sir

The opinion that greater advantage results from communicating important Events to the People, in an authentic Manner, than by unauthorized Reports, is certainly just, tho often neglected

The Intelligence alluded to is unfortunately of such a Nature, or rather so circumstanced, as to render Secrecy necessary. As Congress with the Consent of the Minister of France, have directed it to be communicated to you, further Remarks will be unnecessary. Doctor Witherspoon, who lately returned to Jersey, promised to do it in a personal Conference.²

A Committee was appointed this Morning to prepare an address to the People on the present State of our affairs. if properly executed, Benefit may be expected from it.

Two Letters, one of the 3d the other of the 6th Decr. from Mr. J. Adams, were delivered to Congress this Morning. They mention no Facts of Importance, but strongly express his apprehensions, founded principally on the Kings Speech and the Debate of both Houses on the Subject of it, that great and vigorous military Exertions will be made to reduce us. . . .

118. THE MARINE COMMITTEE TO THE GOVERNOR OF VIRGINIA
(PATRICK HENRY).¹

PHILADELPHIA, March 3d, 1779.

Sir:

Your letter to the delegates of the 29th of Feb.² has been laid before the marine committee, in consequence of the business of retaliation on Marine

[117]¹ Library of Congress, Letters to Washington, XXX. 283.

² Jay is replying to a letter from Washington Mar. 1 (*Writings*, ed. Ford, VII. 347, ed. Sparks, VI. 178), in which Washington wrote:

"I have been a little surprised, that the several important pieces of intelligence lately received from Europe, (such parts I mean, as are circulated without reserve in conversation), have not yet been given to the public in a manner calculated to attract the attention and impress the minds of the people. As they are now propagated, they run through the country in a variety of forms, are confounded in the common mass of general rumors, and lose a great part of their effect. It would certainly be attended with many valuable consequences if they could be given to the people in some more authentic and pointed manner. . . . Congress may have particular reasons for not communicating the intelligence officially (which would certainly be the best mode if it could be done;) but, if it cannot, it were to be wished, that as much as is intended to be commonly known, could be published in as striking a way, and with as great an appearance of authority as may be consistent with propriety."

The allusion was evidently to the rumor to which the expected adherence of Spain to the alliance had given rise. See nos. 81, 83, 84, 93, 99, 105, 116, *ante*. Sparks, strangely enough, interprets the allusion as being to an entirely different matter. See his note appended to Washington's letter.

[118]¹ *Letters of Richard Henry Lee* (ed. Ballagh), II. 37.

² Henry's letter here referred to has not been found (*cf. Official Letters of the Governors of the State of Virginia*, vol. I., p. 359), but the date assigned to it must be an error. A letter despatched from Williamsburg Feb. 28 or Mar. 1 (there was of course no Feb. 29 in 1779) could scarcely have reached Philadelphia in time for this reply on Mar. 3.

prisoners having been referred by Congress to that committee, as you will see by the resolve of July 27th last, which is inclosed. The committee make a distinction between such prisoners as properly belong to a particular state, and such as are continental being made so by the arms of the U. S. The former each state will avail itself of for the benefit of their own people in the power of the enemy, as a Cartel can be agreed on with the enemy by such state, as hath been frequently done by the Eastern States. Or such prisoners may, at the pleasure of the state to whom they belong, be delivered to the Continental Commissary for common benefit. At present no Cartel has ever been, or could be, settled with the enemy for American prisoners in G. B. They being unwilling there to recognise us in such a light as Cartel would place us, and therefore their exchanges have been confined to prisoners in America only. We have however some reason to expect that the exchange may shortly extend to Great Britain. In the meantime, sir, the State of Virginia will see, by the resolve of Congress enclosed, what are the sentiments of this body on the subject of retaliation, and will adopt their mode, if it shall be thought proper, with such prisoners as belong immediately to the State of Virginia.³

119. JOHN FELL, DIARY.¹

[March 3, 4, 1779.]

Wednesday March 3d. Commercial Committee Congress. This day spent in Debates, on the Report of the Committee on Appeals.² The State of Pennsylvania being of Opinion the Court of Appeals, Established by Congress, had no Authority over Courts of Admiralty where the Jury were Judges of Facts. Congress say they have a Right of Sovereignty in all Admiralty affairs whatsoever in the last Resort.

Thursday March 4th. Commercial Committee Congress. went in to a Committee of the whole house, to consider the Boundery Lines to be fixt for an Ultimatom.³ Adjourn'd till tomorrow 6 P M. Marine Committee.

120. WILLIAM PACA TO GEORGE BRYAN.¹

Sir,

We are appointed for the Purpose of enquiring into the Grounds of certain Charges against General Arnold contained in a printed Paper pur-

³ This letter was written by Richard Henry Lee. A personal letter from him to Governor Henry, Feb. 28, is in *Letters* (ed. Ballagh), II. 36. In the latter Lee remarks: "The enemy have published some curious letters of Mr. Braxton's which they have intercepted. I am informed they will be republished here, and when they are I will send you the paper." Cf. *ibid.*, pp. 64, 68, 71, 102, 122, 150, and the *Journals*, July 16, 21. The *Pennsylvania Packet* of Mar. 18 has a communication from M. S. (Meriwether Smith), furnishing extracts of Braxton's intercepted letters and defending Braxton. See especially the letter from Braxton to John Ross, Dec. 26, 1778, in N. Y. Hist. Soc., *Collections: Deane Papers*, III. 128, and Arthur Lee's retort, May 22, *ibid.*, p. 465.

[119]¹ Library of Congress, Journals and Diaries.

² See nos. 69, 91, *ante*.

³ See no. 114, *ante*.

[120]¹ N. Y. Hist. Soc. MSS. of Joseph Reed, vol. V. Addressed, "The Honble George Bryan Esq Chairman of the Committee of the Council".

porting to be Resolves of the Executive Council of Pennsylvania and are directed to report the Result of our Enquiries to Congress. Whether Congress will order a Court Martial or not on those Charges will we presume depend on the Evidence we shall be able to report and their Judgment of its Sufficiency.

In your's of the 25th of February you "explicitly declare that the Council is possessed of Evidence to support the Reasons alledged for their Resolves if the Congress chuse to found Charges upon them." We cannot see the Propriety of the Congress founding Charges upon Allegations the Evidence of which is known to you but not known to them.

As to the Delay which you reprobate as unprecedented permit us to observe that fourteen Days have elapsed since our application to the Executive Council for Assistance in the Execution of our Enquiries which Assistance we have not yet been able to obtain.

We mean to close our Enquiries to Morrow Evening: we have directed General Arnold to attend us and we doubt not your Zeal for public Justice will induce you to furnish us by that Time with all the Evidence you are possessed of relating to the Subject of our Enquiry.²

I have the Honor to be

Yr. most Obt. Hble Servt.

WM. PACA

Chairman.

4th March 1779.

121. THE PRESIDENT OF CONGRESS (JOHN JAY) TO
GEORGE GUSTAVE D'UGGLAA.¹

PHILADELPHIA 5th March 1779.

Sir,

You will receive herewith enclosed an Extract from the Minutes of Congress on the Subject of your Memorial, from which you will perceive that as the States were equally divided on the Question, your Request is not complied with.

I have Reason to believe Sir, that the objections to your Appointment arose from the Number of Supernumerary Officers in the American Service, and were by no means of a personal Nature.²

² The charges against Arnold were brought before Congress Jan. 26 through a letter of Joseph Reed, president of Pennsylvania, dated Jan. 25. For the course of proceedings in the matter see no. 58, note 2, *ante*. The prosecution of the case against Arnold immediately resulted in charges being brought against his aide-de-camp, Maj. Matthew Clarkson (see the *Journals*, Feb. 1, 10, 18, 24, and nos. 69, 110, *ante*, 158, *post*), and this matter having been disposed of, Congress resumed consideration of the Arnold affair Mar. 1, by empowering the committee to send for persons and papers. This letter from Paca, who was chairman of the committee appointed Jan. 26, appears to have been the first step taken in consequence of that order. The *Journals* do not mention the letter of Bryan to which Paca refers. See no. 129, *post*, and the report of the committee in the *Journals*, Mar. 17. Some account of the episode is to be found in *Life of Reed*, II. 49 *et seq.*

[121]¹ Library of Congress, Presidents Letter-Book, p. 63.

² See the *Journals*, Mar. 2 (pp. 265, 269). Cf. *ibid.*, May 25, June 5, 1780.

122. JOHN FELL, DIARY.¹

Friday March 5th 1779. Commercial Committee Congres[s]. Report from the Board of Warr. Recomen[d]'d a Mode of Payment, to the Inhabitants, for what has being [*sic*] taken from them per Officers in the Army agreed to be Publish'd. A Report from a Committee to empower the Commander in Chief, to settle a Cartel with the British General for the Exchange of Prisoners, for the Convention Troops or others as he may Judge Best. A number of Letters Read etc. 6 P M. Marine Committee. £62456²

Saturday March 6th 1779. Com. Committee Congress. Committee of 3 to conferr w'th a Committee of the State of Pennsylvania relating to the Court of Appeals. Several Memorials, Letters etc. A Warrant for 500,000 D's for the use of Commercial Committee to Procure Cloathing for the Army.³

123. ROBERT MORRIS TO JOHN LANGDON.¹

PHILADELPHIA March 6th 1779

Sir,

. . . . My character has been infamously attacked on the subject of the Secret Committee business, but as it has no other foundation than envy malice and party spirit, the odium intended for me has already in great measure and will totally fall to the share of my accusers, for my conduct has been too upright, and every thing being on paper, can be too easily proved, to admit their shafts to make any impression to my prejudice as our friend Genl. Whipple will inform you.²

124. THE NEW HAMPSHIRE DELEGATES TO THE PRESIDENT OF NEW HAMPSHIRE (MESHECH WEARE).¹

PHILADELPHIA 7th March 1779

Sir,

We are Honoured with Your Letter of the 4th Feb'y with sundry inclosures, to which we shall pay due attention, and endeavour to answer fully per next Post.

A Petition from the officers of the Connecticut line to the Legislature of that state, simaler to that you inclose was some time ago layed before Congress, on which there is now a report of a Committee under consideration, we flatter ourselves something will be done in the matter, but what we cannot at present say.²

[122]¹ Library of Congress, Journals and Diaries.

² There is no clue to the meaning of these figures.

³ Fell's entry for Sunday is, "Last night, Snow, and this morning Cold and very disagreeable".

[123]¹ Library of Congress, Force Trans., Whipple, 1777-1779, p. 635.

² See the *Journals*, Jan. 9, 11, 15, 19, Feb. 9, 10, 11, and nos. 19, 20, 30, 31, *ante*.

[124]¹ N. H. Hist. Soc., Weare Papers, VI. 47.

² See no. 9, *ante*, and no. 156, *post*. If the New Hampshire petition was presented to Congress the record of it has not been found.

The Legislatures of Massachusetts Bay and Connecticut have taken measures to quiet the uneasiness of their Troops. Perhaps simaler measures might be adopted with success by the Legislature of New Hampshire

We have the Honour to be with the most Perfect Esteem and Respect
Sir Your most obet. and very Huml. Sert.

GEO: FROST

WM. WHIPPLE

125. WILLIAM WHIPPLE TO JOSIAH BARTLETT.¹

PHILADELPHIA 7th March 1779

My Dear Sir,

Your favor of the 6th Feb'y came to hand the 3d inst. . . . I wonder much that a court of Law should be in doubt whether a Resolution of Congress can superceed the Law of a *Sovereign* State however I hope in time N. H. as well as the other States will feel the importance of Sovereignty. . . .

You seem very desirous for peace; in that I most heartily concur with you. But in order to obtain such a peace as will establish happiness in America, we ought to make the most Strenuous exertions for war we ought to be United in Council and Formidable in the Field. I hope this will be the case, and that this Campaign will put an end to the cruel ravages so distressing to every humane heart. . . .

[P. S.] I have inclosed a paper conta'g Gov. Johnstons Speech in Parliament to Col: Weare an American answer is in the press.²

126. WILLIAM WHIPPLE TO JOHN LANGDON.¹

PHILADELPHIA 7th March 1779

My Dear Sir,

Your favor of the 8th Feb'y I rec'd a few days ago the contents I believe were answered in my last; I hope before this time you have rec'd

[125]¹ Hist. Soc. of Pa., Dreer Coll., Signers, I. 39.

² An abstract of Johnstone's remarks in the House of Commons Nov. 27, 1778, defending his conduct as peace commissioner, appeared in the *Pennsylvania Packet* Feb. 11, in an account of proceedings in Parliament. An extended extract of the speech was printed in the *Packet* of Mar. 9. Whipple's postscript must therefore have been added not earlier than Mar. 9. The "American answer" is a reply at some length (three and a half columns), signed "An American" (a signature used frequently by Gouverneur Morris), and appeared in the *Packet* of Mar. 11. The article discusses every aspect of Johnstone's speech, but two paragraphs in particular may appropriately be quoted here:

"You aver, that the treaty with France is not ratified in a constitutional manner. You are mistaken even on your own ground. Still more are you mistaken on the ground assumed by your government; for they confessed the authority of Congress to form treaties, by the very application which brought you hither.

"You are equally wrong in supposing, that the objects of your commission were frustrated by delay. The draught of the bills arrived in season, and the sentiments of Congress were expressed on them so early as the twenty-second of April, previous even to the knowledge, much less the ratification of a treaty with France. They were expressed with a *unanimity* which, on such occasions, is not *singular*." Cf. vol. III., no. 420, note 2.

Concerning Joseph Reed's "Remarks on Governor Johnstone's Speech in Parliament", and Mrs. Elizabeth Ferguson's response to Johnstone's references to her, see *ibid.*, no. 421, note 2. Mrs. Ferguson's statement of Feb. 16 appeared in the *Packet* of Feb. 20. See also *Life of Joseph Reed*, p. 394 *et seq.*

[126]¹ Library of Congress, Force Trans., Whipple, p. 637.

such a sum as will make you easy for a while on that score. I wish every evil you complain of were remedied, but we must have patience. I wish Congress had a sufficient degree of Omnipotence to gratify the virtuous desires of every one, but they have not—that Assembly are composed of mere men you know—men that are subject to all the frailties and imperfections of human nature, and stand in need of the assistance of their fellow citizens and I should be glad if their fellow citizens would assist them, so far as to cut the throats of a few of these pests to society, who under the character of speculators are at this time doing more mischief than ever was done to a community, by any set of villains since the creation; to these people three fourths of the evils complained of are owing—if a way can be found out to extirpate this race of infernals, I believe all things would go on very well. . . .

127. FRANCIS LEWIS TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILA. 8 March 1779.

Dear Sir

I had the honor to write you the 20th ultimo, and now embrace the opportunity of transmitting a Pamphlet lately published,² together with the newspapers;

By the latter you will perceive that animosities run high, between Genl. Arnold and the Executive branch of this State,³ in so much, that I fear it may form *parties* in the Congress, and thereby injure the Public Weal, especially at this critical juncture, when their whole thoughts should be employed in collecting *force* to oppose the common Enemy the ensuing Campai[g]n, which I think will be the severest we have hitherto had, unless Spain sh'd soon acknowledge our Independency. . . .

This year must one way or the other determine our fate. G. B. if unsuccessful this Campai[g]n, will not be able to carry on another in America to effect. their resources both of money and Men are greatly exhausted, and it is my opinion that *ours* is in the same predicament. . . .

128. JOHN FELL, DIARY.¹

[March 8, 9, 1779.]

*Monday March 8th.*² Commercial Committee Congress. Speaker of the Assembly of the State of Pennsylvania, Letter to Borrow money for the use of the State. Referred to a Committee of 3.³ Letters from Genl. Washington, Govr. Turnbull etc. Report of the Committee concerning Lievt. Hale⁴ and the crew of the *Hotham*—and a Letter to Adml. Gambier

[127]¹ Harvard Univ. Lib., Sparks MSS., 49, I. 174 (original).

² Probably *Observations on the American Revolution*. See nos. 79, 111, *ante*, also Richard Henry Lee to Jefferson, Mar. 15, *Letters*, II. 38.

³ See no. 120, *ante*.

[128]¹ Library of Congress, Journals and Diaries.

² The entry for this day in Samuel Holten's Diary is: "Congress adjourned before 3 o'clock. I dined with the president" (*Essex Inst. Hist. Colls.*, LV. 252).

³ See the *Journals*, Mar. 8, 17, 18, 20, and no. 143, *post*.

⁴ Lieut. Christopher Hele. See no. 34, note 2, *ante*.

Tuesday March 9th. Commercial Committee This day chiefly spent on the Report, for Recruiting the Army of 80 Batallions.⁵ 6 P M Marine Committee.

129. WILLIAM PACA TO THE PENNSYLVANIA COUNCIL.¹

Gentlemen

We are exceedingly unhappy in finding, that our Letter of the 4th instant² excited Emotions of so singular a nature: be assured, we did not mean to wound your feelings in any Degree, much less to such an Extreme.

No Proofs were wanting to convince us of your Disposition to observe respectful attention to Congress and every Member of it; and we consider your's of the 5th instant which we received on the 6th as a clear Confirmation of it.

On the 15th of February General Arnold's Letter to Congress praying an Enquiry and Trial on the Charges contained in the printed Proceedings of Council were referred to us: on the 18th we informed his Excellency the President of it, and solicited the Assistance of Council in the Execution of our Enquiry. It is now the 9th of March, and we have not yet been able to obtain any Assistance or Evidence from you.

You request us to peruse impartially and attentively your's of the 25th of February, which, you say, contains Reasons for not furnishing us with the Evidence on the above Charges. We have complied with your Request, and find that nothing escaped our first Consideration of it: we did not then, nor do we now, see the force of your Reasoning. You say "the Resolves of the Board were framed and transmitted to the Members of Congress as to other Persons of Rank and Consequence not as forming a Complaint against General Arnold." Be pleased to recollect, that your Resolves were accompanied with the Reasons, on which you founded them, each of which is a specific Charge against the General: These Resolves and Reasons or specific Charges were, by Order of Council, printed and published: and by Order of Council printed Copies were put into the Hands of the Delegates of Congress: in Consequence of which Measure of Council, and by means of General Arnold's Letter, Congress became possessed of Information, that the General stood charged in the printed Proceedings of Council with Misconduct in no less than Eight Instances. Under these Circumstances, altho' your Conduct, as we have already stated it, clearly demonstrates, that you did not mean to form a Complaint against the General, yet as there was no Disavowal on your Part, or detraction, of the Charges contained in your Proceedings under the Description of Reasons, public Justice required that Congress should direct an Enquiry; and surely public Justice required that you should furnish the Evidence which you were possessed of.

You say, the Proceedings and Publication of Council in General Arnolds Case are not Charges, but Judgments to which you are fully competent.

⁵ See no. 134, *post*.

[129]¹ N. Y. Hist. Soc., MSS. of Joseph Reed, V.

² No. 120, *ante*.

We do not comprehend the Legality of such Judgments. Common Justice requires, that a Trial and Conviction should precede every Judgment of Condemnation, and common Humanity reprobates all Convictions founded on *Ex parte* Evidence behind the Back of the party accused. But as you say you are fully competent to the Judgments in General Arnold's Case, we cannot doubt their Legality.

If we have called upon you *authoritatively* for Evidence, we can only say, that our Letter of the 4th instant must be express in Terms very different from what we find in the original Draught of it. We were fully apprized of the Delicacy of your feelings, and perfectly knew what exalted Ideas, you had, of Rank Dignity and Power: whatever therefore may be the Expressions of our Letter, we could not possibly mean to address you in the Stile of Authority.

As to the Complaint about the Waggon, which was made by his Excellency the President to Congress in his Letter of the 25th of January, we finished our Enquiries on that Subject, made up our Report, and offered it to Congress, in less than ten Days after you gave us the Evidence. We made up this Report with all the Expedition, we possibly could, consistently with the Attention due to other publick Business. But before Congress could receive it, the Council of Pennsylvania thought proper to make a fresh Exhibition of Charges against the General, in which was included the Complaint about the Waggon. General Arnold immediately addressed Congress and prayed an Enquiry on those other Charges: we were thereupon directed by Congress to take the same into Consideration, to make a general Enquiry and to report the Result of such Enquiry. There being now a general Reference of the whole Charges we conceived it improper to report partially, and therefore laid aside the Report on the Complaint about the Waggon with an Intent to include it in one general Report.

What Ideas you mean to hold out, by charging the Majority of our Committee and the Members individually with private Interviews and *ex parte* Examinations of General Arnold, it is difficult to say: we beg Leave however to deny your Charge in the most explicit Terms. Both of us cannot be right: as you make the Charge, the *Onus probandi* lies upon you. If you have any Evidence to prove, that your Charge is founded in Truth, considering how flatly we contradict it, you will certainly take the earliest Opportunity of vindicating the Honor and Reputation of Council by producing it.

You seem to have taken up an Idea, That we consider you as Parties and Complainants prosecuting before Congress the Charges contained in your printed Proceedings: we never considered you in that Light; we consider you merely as Accusers possessed of Evidence to prove a publick Offence. We know of no Parties or Complainants to Congress in the present Case but the Publick and General Arnold: for publick, not private Justice, public, not private Reparation is the Object of all Prosecutions for Offences of a public Nature.

Our Conduct is by no Means opposed to what should be observed by Grand Inquests: for altho' we deny, that we took the *Ex parte* Examination in favour of the party accused, which with so much Decency you

charge upon us, yet we say, it is the Right of the party accused to have an Examination of his Witnesses by the Grand Inquest before whom he is charged.

Having observed in our last, that fourteen Days had elapsed, since our Application to you for Evidence, You are pleased to reply "As to the fourteen Days you mentioned this Delay surely cannot be attributed to us, when you recollect how great a Part of that Time has been employed in hearing General Arnold and his Aids with other Evidence without notice to this State as Parties and Complainants". We perfectly recollect the Reverse of what you alledge, and in express Terms declare, that no Part of that Time was employed in Hearing General Arnold and his Aids or in taking other Evidence. General Arnold was never heard on the Charges contained in your printed Proceedings, and referred to us on the 15th of February, till the 5th instant, which was the Day after our Letter, to which you have made your Reply, and of Consequence not within the Fourteen Days you mention. The Committee tired out with fruitless Applications to you for Evidence and repeatedly prest by General Arnold for a Hearing, with all the Anxiety and Sensibility of a Soldier, injured in his Honor and Reputation, we resolved on the 3d instant to close our Enquiries on the 5th: both you and the General were notified of it, and you were told, that we did not doubt but your Regard for public Justice would induce you to furnish us by that Time with the Evidence you were possessed of.

We wish for your own Sakes you had spared your solemn Protestation: it is no Prooff [*sic*] of Dignity of Conduct. Vehement Declarations and violent Protestations are sometimes the Result of Passions roused on the telling of Truths or the Apprehension of it. We shall certainly make no Report derogatory to the Rights and Interests of Pensylvania: such a Report would only disgrace ourselves. As to the Honor of Council we shall report the Truth: and therefore, if you yourselves have done Nothing derogatory to the Honor of Council, you have Nothing to fear from our Report.

I have the Honor to be Gentlemen

Your most Obedient humble Servant

WM. PACA

Chairman.

9th March 1779.

130. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA March 9th 1779

Sir,

. . . . It was not intended by Congress that the apportionment of the former or present tax should be considered hereafter as their precise just quotas of these taxes. It was impossible to adjust our equitable propor-

[130]¹ R. I. Arch., Letters to the Governors, 1778-1779; Staples, *R. I. in Cont. Cong.*, p. 211. The letter is written in the plural but was signed only by William Ellery.

tion of the present tax. If it should turn out that we have paid more than our just quota, we shall have credit for the surplusage, and the interest thereof; if it should be less we must pay the deficiency with the interest, perhaps in an appretiated currency.²

131. SAMUEL ADAMS TO BENJAMIN AUSTIN.¹

PHILADE. Mar 9 —79

My dear Sir

. . . . You ask my opinion of two Men who have lately appeard on the publick Stage; and with your usual Frankness, express your own opinion without a Doubt, that Congress will soon convince the one of his Folly and the other of his Weakness. But have you not misunderstood the Characters of these Men? Has not the first by his artful Address conceald his Weakness from the publick Eye, while the other, by an improper Use of the Weapons in his hands, has given Advantage to his Adversary, and thereby discoverd his Folly. Mr. Dean had in his first Publication said so much as to make it necessary that some other Person should say more. Common Sense undertook the Task and producd stubborn and undeniable facts, but not contenting himself with relating such facts only as were pertinent to his Argument he gave occasion to the Swarms of Writers against him to avail themselves, by diverting the Attention of his Readers from the proper Point. I will mention an Instance. After he had provd to the Satisfaction of every one, that the Cannon and Stores forwarded to America by Mr. Deane, had been negociated by Mary Johnson and Beaumarchais before his Arrival in France, and consequently that the Merit of the Negociation did not belong to Mr. Dean, what Necessity was there for Common Sense to mention them as *a Present*? It was nothing to his purpose; and it was too delicate a Subject for him to touch upon, or to attempt to prove if it had been true. His prudence therefore and even his Veracity was called in Question by his Adversaries, and his Authority and Influence as a Writer of facts lessend. The faithful Historian however, will hereafter unfold the secret Politicks of the present Day. The Newspaper Writings of these two Men, have drawn not only the Conduct but the Characters of others into Dispute.² Had Mr. Dean been only called upon explicitly to state his Charges, if he had any, against Dr. Lee, I believe he would not have attempted it, and a Scrutiny of any Mans Character but his own would have been unnecessary. Although he has insinuated many things against the Doctor, and steppd aside from the Line of Propriety and Decency to bring in Invec-tive, yet I do not recollect that he has explicitly criminated him in either, nor do I believe it is in his Power. If no one steps forward to accuse him, why should his Integrity be doubted?

² Cf. no. 115, *ante*.

[131]¹ *Writings* (ed. Cushing), IV. 132; N. Y. Hist. Soc., *Collections: Deane Papers* III. 398.

² The whole course of the newspaper controversy, together with many other documents of this period pertaining to the Deane case, may best be followed in N. Y. Hist. Soc., *Collections: Deane Papers*, III.

132. WILLIAM DUER, STATEMENT.¹

CAMP ON RARITON March 9th 1779.

To the Public

In Mr. Dunlap's Paper of the 2d March, I find myself mention'd by a Writer, under the Signature of T. G. as a Person, who, during the Time I had the Honor of representing the State of Newyork in Congress, had officiously interfer'd in the Politics of Pensilvania; in Consequence of which, I had become the Hatred, and Contempt of many of the Inhabitants.²

[132]¹ N. Y. Pub. Lib., Misc. MSS., Duer; *ibid.*, Emmet Coll., no. 669. This statement was evidently prepared for the press and probably appeared in the *New York Journal*, but no issues about this date have been found.

² The communication of "T. G." in the *Pennsylvania Packet* of Mar. 2 was primarily an attack upon Gouverneur Morris and was inspired by an address "To the Quakers, Bethlemites, Moderate Men, Refugees and other the Tories whatsoever and wheresoever dispersed", which had appeared in the *Packet* of Feb. 27, and may be found, in part, in N. Y. Hist. Soc., *Collections: Deane Papers*, III. 387. The address was signed "An American", a *nom de plume* which Morris had frequently used. In his introductory remarks "T. G." says:

"Your late colleague, William Duer, Esquire, by intermeddling with the state politics of Pennsylvania, raised jealousies concerning him which subjected his conduct to close inspection, and, in the end, brought him to the hatred and contempt of many people of this state. If you follow his footsteps they will lead you to the same situation."

To Morris he says: "The art with which the main design of that piece is covered points to you: It is truly Machiavelian. But to those who know, that your favorite objects are, to disgrace Pennsylvania, insult the President of its Council, and to support General Arnold, the design stands naked and detested."

The controversy with the authorities of Pennsylvania, and particularly with the president of the council thereof (Joseph Reed), did indeed grow warm. The principal phases of this controversy are discussed by Morris in a letter to Reed Apr. 9 (no. 198, *post*). As touching conditions in Congress some parts of the article by "An American" above referred to may appropriately be quoted here.

"I am led to these reflections and to this "address", he says, "partly from perceiving and more from being informed, that you derive pleasing hopes from the following circumstances. First, the taking of Georgia. Secondly, the calumnies against Congress, and supposed divisions among them. And Thirdly, the symptoms of discontent, lately exhibited by the Executive Council of Pennsylvania. I shall take notice of them in their order, make some short observations on public affairs, and then leave you to judge. I exhort you to read with attention, and to determine with that coolness which is due to a subject so important to your welfare, perhaps your existence."

Discussing the taking of Georgia, he adduces several reasons why these people cannot draw large hopes therefrom.

"As to the calumnies against Congress and supposed divisions in that body", he remarks, "you are greatly tho' not altogether mistaken in the latter fact, and at any rate draw from it very false conclusion[s]. The late abusive writings shew indeed the illiberality of the respective writers, but by no means impeach those against whom they are directed. Being equally indifferent to the several performers, I wish not to balance their respective merits. . . . From some acquaintance and good information I will venture to add, that the present Congress considered in the double view of abilities and integrity is at least as respectable as any which hath yet been assembled."

"To say there are divisions in Congress", he continues, "is only saying in other words that it is a popular Assembly. Different views of the same subject naturally lead men to differ in sentiments. Personal connections excite personal emotions, and the conflict of such emotions sometimes produces personal altercations. The heats inevitable on such occasions seldom evaporate within the walls of one house, but stimulate to bitter observations easily credited, because they flatter a self-importance which is uneasy at any kind of superiority. Perhaps you will ask how it happens that such things did not exist formerly? They did; but the public dangers and distresses taught men to keep more secret those things which they readily divulge in an hour of greater security. The appearance of such divisions therefore in personal matters are striking marks of national prosperity, and you will find that, however the members of Congress may disagree about

I shall mention the material Instances, which, I have been inform'd by reputable Citizens of the State, have been made Use of to Strengthen the Suspicion, that I have officiously intermeddled in the Politics of Pensilvania, together with the Motives of my Conduct; and I shall then leave it to the dispassionate Judgment to determine, whether the Part I acted as a Trustee for the general Interest of America was reprehensible or praiseworthy.

The principal Circumstances of this Nature, which I have heard acknowledged, was my promoting a Measure in Congress for Exercising certain Acts of Power in the State of Pensilvania, during the Recess of the Executive Authority in [the]³ Spring 1777. The simple Account of this Transaction is as follows.

Soon after I took my Seat in Congress as a Delegate from the State of New York,⁴ the Enemy meditated an Attempt upon the City of Philadelphia through the State of New Jersey. The legislative Authority of the State of Pensilvania was adjourn'd, and by the Absence of some of the Members of the Supreme Executive Council, a sufficient Number were not left in the City to Exercise Powers, essential to its Safety, and to the general Welfare.⁵ Representations were frequently made to Congress and to Individual Members of vast Quantities of Provisions and other Articles being stor'd in the City, which, if it fell into the Hands of the

who shall be in and who shall be out, they will be firmly united in refusing to accept the independance Great Britain is about to offer, and insist on a clear, explicit and pointed acknowledgment of it in the most extensive sense previous to any treaty whatsoever."

Touching the dispute between the executive council of Pennsylvania and Congress, while he defends Arnold, he reminds the people whom he is addressing that this dispute is, "as far as your views may be served by it, the most trifling of all trifling things . . . this little feverish ebullition, and the ridicule which many have attempted to cast upon it, can do no good to you. . . . And depend upon it, whatever your leaders may flatter you with, the Whigs of Pennsylvania will not engage in any dispute with the representative body of America to the prejudice either of the acknowledged rights of that body, or of the privileges of those brave citizens who have drawn their swords in the cause of Freedom".

The principal observations upon public affairs promised in the preliminary programme are a brief discussion of the depreciation of the currency (from which, he remarks, these people have as little ground for hope as from these other sources) and a more detailed one respecting the attitudes of foreign powers, arguing that it is "manifestly the interest of every court in Europe to foster our independence". Preliminary to taking up the latter topic he remarks: "Not pretending to great knowledge of national secrets, and little desirous of communicating whatever of this kind it hath fallen to my lot to know, I shall reason with you on these things as I have reasoned for myself, and I trust the event will verify my conclusions."

An article by "T. G." respecting General Arnold had appeared in the same issue of the *Pennsylvania Packet* (Feb. 27) with Morris's article which he attacked in the issue of Mar. 2, and another in the issue of Mar. 6. The former was reprinted in the *New York Gazette and Weekly Mercury* of Mar. 15. "T. G.", doubtless the same writer who, as "Tiberius Gracchus", later attacked Morris as the supposed author of an article signed "Americanus" (see nos. 360, note 4, 401, note 2, *post*), was probably Timothy Matlack. For instance, Richard Henry Lee, in a letter of July 30 to an unidentified correspondent, speaks several times of "our friend T. M.", and then remarks, "I observe that Mr. T. M. and Mr. P—n—c are both attacked by a scribbler in your *Evening Post*, of July 9th under the signature of *Cato*". And "Cato" himself seems to point in the same direction when he asks the question, "*Timothy, art thou that man?*" (N. Y. Hist. Soc., *Collections: Deane Papers*, IV. 8).

³ The "the" is found in the Emmet copy.

⁴ Duer took his seat Apr. 7, 1777.

⁵ The Emmet copy has "Wcal".

Enemy, would greatly benefit them, and be materially miss'd by our Army. A Removal of these Stores was strongly urg'd by General Washington to Congress and by them judg'd Expedient.⁶ The Question then arose how this Measure was to be Executed, as there was no Authority in the State vested with Powers adequate to the End. On Motion made in Congress (I beleive by myself) a Committee was appointed to confer with the President of the State the Members of the Pensilvania Board of War, and Such Gentlemen of the Executive Council as were in Town, on the Mode of Authority necessary to be Exercised in the State of Pensilvania, during the Recess of the Executive Council. The Committee consisted of the Delegates of Pensilvania, Mr. John Adams, Mr. R. H. Lee, and myself.⁷ After a mature Deliberation, it was determin'd in the Committee of Conference, without a Dissentient Voice, to report, "That Congress should declare it as their Opinion that, considering the threaten'd Invasion of the State, and the Recess of the Legislative, and Executive Powers, the President of the State, the Members of the Pensilvania Board of War, and Such of the Executive Council as were in the City should Exercise such Acts of Power, as were essential to the Safety of the State, and to the general Weal: and that it should be earnestly recommended to the Inhabitants chearfully to Submit to this Authority." Upon these Principles, a Report was drafted, and Submitted to Congress; and Such was the Conviction of the Propriety of the Measure at that Time, that (if my Memory does not deceive me) it pass'd without a Division; certain I am, if there was any, it was very insignificant in the Negative. If any Censure can with Propriety be thrown out against the Promoters of this Measure, why not extend it to all the Members of the Committee? Why not, to the Gentlemen of the State, with whom they Conferr'd, and who were Unanimous in the Report? Why not to Congress, who Concurr'd in it. The Truth is, there is no just Plea for Censure: and, though there is no Person more tenacious than myself of preserving from the Encroachment of Congress the Exercise of the Internal Polity of the respective States, I will venture to give it as my Opinion, that if Congress, during what I may call this Interregnum in Pensilvania, and when the State was hourly threaten'd with an Invasion, had actually Exercised by themselves, or a Committee, every Power in that State necessary for its Safety, and for the common Interest, they would have been strictly justified—I will go further, and Say, that if they had neglected adopting this or a Similar Measure, they would have been unworthy the high Trust

⁶ See vol. II. of these *Letters*, nos. 328, 377, 386, 395, 432, 440, and note 7, below.

⁷ There were two committees. The first was appointed Apr. 11, 1777, to take measures, in conjunction with the Pennsylvania board of war, to prevent the provisions stored in Philadelphia from falling into the hands of the enemy. The committee, consisting of William Duer, Samuel Adams, and Abraham Clark, made a report Apr. 14 recommending the appointment of a committee to confer with the executive council of Pennsylvania with regard to the mode of executive authority to be exercised in the state. This committee consisted of Samuel Adams (not John), William Duer, and Richard Henry Lee. It may be presumed that Clark was left off the new committee for the reason that he was taking leave that day. The committee made its report Apr. 15. Duer's account of the proceedings does not keep entirely distinct the work of the two committees. See Duer's letter, Apr. 17, 1777 (vol. II., no. 445), and notes thereto; also the letters of the New York delegates, Apr. 21, 29 (*ibid.*, nos. 453, 464).

vested in them by the People of America. Their Powers were not limited by any Article of Confederation; their Object was to carry on the War in the most effectual Manner against the Common Enemy, and to Super Intend the general Weal. I remember that in the Conversation, and Writings of some Persons at that Time, who disapproved of the Constitution of Pensilvania, this necessary Interference of Congress was made Use of to the Prejudice of the Government, and of those who Exercised it; and as I was intimate with many, who were open in their Disapprobation of the Constitution, it is not to be wonder'd that Jealousies should be Entertain'd against *me* in particular, as being Active in promoting a Measure, which the Partisans of the Constitution consider'd as an Engine of Opposition.

This Transaction, I beleive, laid the Foundation of those Suspicions, which the Writer under the Signature of T: G. mentions. Other Circumstances occur'd in the Discharge of my public Trust, which, I am told, were perverted to Strengthen them. It will sometimes happen that the Legislatures of the respective States (however pure, and patriotic their Intentions may be) pass Laws, which in their Operation not only defeat the very Object they have in Veiw [*sic*], but often clash with the general Weal. In the latter Case I conceive it to be the indispensable Duty of Congress to recommend to the Legislatures of the States enacting such Laws, a Repeal, or Revisal of them. Of this Nature I considerd the Laws of Pensilvania allowing the Commutation of personal Service, in the Militia, by the Hire of Substitutes, and that relative to the Quarter Masters Department enacted in the Winter 1777-8. The first Law, in its Consequences naturally tended to impede the Recruiting Service for the Confederal Army, and to Encourage Desertions from the Quotas of other States, by tempting the Soldiers to follow the profitable Trade of a Militia-Substitute. I shall not insist on the Evil of its introducing a Mercenary Principle, in lieu of that *Ardor Patriae* or Love of Country, which ought to animate the Militia, and which is the only Basis, that can render it formidable. Frequent Representations were made of the ill Effects of this Law by many Officers of Repute in the Army, particularly, Several in the Pensilvania Line. In Consequence of which, it was determin'd by the Board of War (of which I was a Member) to report a Resolution to Congress, recommending the Repeal of it.⁸ This Resolution I was desir'd to draft; and, as I knew the Jealousy which the Government of Pensilvania entertain'd of Congress⁹ animadverting on their Laws, particularly when they chanc'd to originate from me, I drew up a general Resolution, recommending to the Legislatures of all the States a Repeal of such Part of their Militia Laws, as permitted the Engaging of Substitutes. In the Course of the Debates on this Subject, the Generality of the Resolution was objected to particularly by some Members of the Eastern States, who said that Laws allowing Substitutes in the Militia Existed in the States, they represented; but that they were so qualified as not to produce those ill Consequences, which flow'd from the Pensilvania

⁸ The resolution was reported and adopted Dec. 4, 1777.

⁹ The Emmet copy has "of the resolutions of Congress animadverting".

Law; [These Ideas prevailing, the Resolution was amended accordingly, and confined to the State of Pensilvania;]¹⁰ a Circumstance which I am inform'd gave Umbrage, and Subjected me to fresh Jealousy.

The Law respecting the Quarter-Master's Department (though probably meant to prevent those Abuses, which I am sorry to say too many of the Citizens of these States have Suffer'd from Persons Employ'd in the Subordinate Branches) render'd the Process of procuring Teams so Extremely tedious, as, by an Adherence to it, to subject the Army to a precarious Supply. Many Representations were made of this to the Board of War, and at one Time in particular, the Critical State of the Army for Want of Provisions was such, as to give just Ground of Alarm, that they would be obliged to disband, unless the most Speedy, and Vigorous Measures were adopted for their Relief [*sic*]. In Consequence of this, Congress pass'd a Resolution, directing the Board of War to take the most Effectual Measures for forwarding Supplies to the Army.¹¹ The Board immediately order'd out Parties of arm'd Men under the Command of discreet, and Active Officers in the Pensilvania Line to impress a Number of Waggon (particularly from the disaffected) in Lancaster, and the Adjacent Counties, and to forward them loaded with Flour, and other Provisions for the Use of the Army. The Order was Executed with Spirit, Prudence, and Diligence; and in Consequence of it, a Considerable Supply of Flour arrived at a Time, when the Army had been Compell'd for some Days to range the Country, and distress the Inhabitants in order to procure a Scanty Subsistence. This Measure, I confess, was a Violation of the Law of the State; but if there is any Crisis in the Affairs of a Nation in which Laws must Sleep; (and Experience proves there is) that, which has been mention'd, was one. The Situation of the Army was desperate; an immediate, and Vigorous Remedy was necessary. The Powers then Exerted by the Board have been frequently Exercised on less urgent Occasions in the different States, without Exciting those Murmurs, which, from the Jealousy then Existing in Pensilvania, were at that Time Exprest against those, concern'd in the Execution of this Measure: notwithstanding the Safety of the State of Pensilvania, which depended on the Army's keeping Embodied, was so immediately involved in it.

The last Circumstance I shall mention (on which it is said great Stress has been laid) is the Uniform Opposition I have lately given in Congress to Advances of Money, being made to the State of Pensilvania from the Continental Treasury. This has been misrepresented as flowing from a Desire to obstruct the Execution of the present Government: Nothing was more foreign from my Intention. The Object I had in View was general, not partial. Since the Commencement of the present War, the different States in the Union have, from time, to time, applied for Advances of Money out of the Continental Treasury, for the Purpose of

¹⁰ The words in brackets are found in the Emmet copy.

¹¹ It is not quite certain to what resolution Duer refers. Such an order to the board of war was adopted Sept. 27, 1777 (at the one session of Congress held in Lancaster). Cf. an order of Feb. 21, 1778. See also the *Journals*, Sept. 17, Oct. 6, 13, Nov. 24, 28, Dec. 8, 10, 1777. Numerous letters pertaining to the matter of transportation in this period are in *Pa. Arch.*, first ser., VI. (see particularly the index, Wagons).

paying Debts contracted on Continental Account, and, in some Instances, the Contingent Expence of their Government. The Sums which have been advanced to the different States are prodigiously unequal; and none of these Accounts have been adjusted. It appear'd to me of infinite Consequence, in order to maintain that Harmony between the States, so Essential to their Union, and Safety, that all these Accounts should be liquidated without delay; and, that instead of applying to Congress for further Advances of Money, the States¹² should have Recourse to deep Taxation, the only radical Cure for the grand political Disease. These Ends I knew would be best Effected, by not making any further Advances to the respective States; and, upon this Principle, I opposed Grants of Money for some Time past, not only to Pensilvania, but to the other States in the Union.

This Conduct of mine, and my Reasons for it must be well known to many Members of Congress; and must be particularly remember'd by the Honble. Mr. R: Morris, as an Application which not long Since he made to Congress for an Advance of Money to the State of Pensilvania, I pertinaciously opposed this Advance,¹³ and if my Opposition had been founded on the disgraceful Principle imputed to me, it is not to be presum'd I should have Continued it, when the Measure was advocated by a Gentleman, openly averse to the present Constitution, and with whom I was intimate both in private, and political Life.

Every Person, who has been a Delegate to Congress, must know that it is utterly impracticable to discharge, with a becoming Firmness, and Integrity, that Duty, which a Person, vested with so high a Trust, owes to America in general, without oftentimes giving Offence to *Individuals*, and Sometimes to *States*. When I accepted of the honorable Trust reposed in me, I never Expected to avoid giving Offense—my only Study was not to give just Grounds for it. I therefore spoke, acted, and voted with Boldness; and left it to others, who might have Sinister Purposes to carry, either for their States or themselves to shew a Temper of Forbearance, and Complaisance, at the Expence too often of the Treasure, and Reputation of the United States.

I have thus laid before the Public a plain State of those material Points, which I have Reason to think have been made an Artful Use of to confirm the Suspicion, that I had been Active in the Political Disputes of the State of Pensilvania. There may perhaps be some others, which I have not heard of, that have been perverted to the same End. I solemnly declare, that I never was concern'd directly, or indirectly in any Writing, or Publication, whatsoever, relative to the political Differences in the State of Pensilvania, or in any meeting or Conference with any Individual, or Body of Men, on the Subject of those Differences. Though I oftentimes express my Sentiments with Freedom on, the Form of their present Constitution, it was in the Company of those, whose Way of

¹² The Emmet copy has here "they".

¹³ Probably Sept. 11, 1778. See the *Journals*.

thinking was very Similar to my Own, and therefore not calculated (had I been even inclin'd) to make Proselytes. . . .

W DUER

[Endorsed, apparently in the writing of John Jay:]

Mr. Duers }
v } vindication ¹⁴
T. G. }

133. JOHN FELL, DIARY.¹

[March 10, 11, 1779.]

Wednesday the 10th. Commercial Committee Congress. After the Treasury Reports being Read Went in to a Committee of the whole House, on fixing a Boundery Line to the Missasipy 7 for 5 agst. No ²

Thursday March 11th. Commercial Committee Congress. Went in a Committee of the whole House. That if Our Allies would Support us we should Insist on Novia Scotia being declar'd Independant. Long debate, No carried in the affirmative.³ 6 P M Marine Committee.⁴ Dined w'th Mr. Jay.

NB Coll. Frelinghuysen Came to Congress

134. THE PRESIDENT OF CONGRESS (JOHN JAY) TO THE SEVERAL STATES.¹

Circular

PHILADELPHIA, 12th March, 1779.

Sir,

You will receive herewith enclosed a copy of an Act of Congress of the 10th Inst. for recruiting the Army.

The Virtue and Perseverance displayed by the Citizens of America in the course of the War leave no room to doubt of their determination to obtain the great Objects of it. Force and Power in the field are necessary to render us safe at Home, respectable abroad, and successful in Negotiation.

As there is great reason to expect that this Campaign, if successful, will be the last, I am persuaded the different States will the more chearfully adopt every measure which may be necessary to render the Issue of it honorable to the American arms, and auspicious to American Liberty and Independence.

¹⁴ This document also contains the following endorsement: "Found among the Papers of the late John Jay, and given to me by his son Peter A. Jay. Jan'y. 15th 1830. W. A. Duer."

[133]¹ Library of Congress, Journals and Diaries.

² See no. 114, *ante*, and under Mar. 11, below; *cf.* nos. 138, 143, 151-153, *post*.

³ The meaning is evidently that the committee of the whole voted in favor of *not* insisting that Nova Scotia be declared independent. *Cf. the Journals*, Feb. 23 (p. 242), Mar. 22 (p. 348), and nos. 113, 114, *ante*.

⁴ See the marine committee's report respecting the cutter *Revenge*, in the *Journals*, Mar. 12; also no. 135, note 4, *post*. *Cf.* nos. 64, 108, *ante*.

[134]¹ Library of Congress, President's Letter-Book, p. 65; *Pa. Arch.*, first ser., VII. 243.

135. JOHN FELL, DIARY.¹

Fryday March 12th 1779 Commercial Committee Congress. Letters from Major Genl. Lincoln, with Proposals of Exchange of Prisoners, between his Officer and Leivt. Coll. Prevost. Referrd to a Committee of 3.² Report of the Committee on the Business of settling the Payment of Goods taken from several Persons in Phila. agreed to Pay them at the then Current Price when taken. Long Debate.³ 6 P M Marine Committee⁴

*Saturday March 13th 1779.*⁵ Spent this day at the Commercial Committee.

136. SAMUEL HOLTEN, DIARY.¹

[March 12, 13, 1779.]

12. Congress received a letter from Majr. Genl. Lincoln, giving an account of a battle with some part of his army, which terminated in our favor.

13. I dined with the Hon. Mr. Paca and about a dozen members of Congress.

137. A COMMITTEE OF CONGRESS TO GEORGE WASHINGTON.¹

PHILADELPHIA March 15th 1779

Sir

The inclosed papers are referred to us by Congress, and we wish for the assistance of your Ideas to enable us to make a more perfect report. We request you therefore to take the trouble of committing to paper your Opinion on the proposed terms for the exchange of Prisoners in the southern department, and also any thing which you think will conduce to that End without contravening your general arrangements or general policy and utility.

[135]¹ Library of Congress, Journals and Diaries.

² See the *Journals*, Mar. 12, Apr. 8, and no. 137, *post*.

³ See the *Journals*, July 23, 31, Oct. 22, Dec. 8, 16, 1778, Jan. 16, 19, 20, Feb. 20, Mar. 12, 13, 1779.

⁴ See no. 133, note 4, *ante*. A letter from the marine committee to President Reed of Pennsylvania, Mar. 12, in compliance with the instructions of Congress with regard to the *Revenge*, is in Paullin, *Out-Letters*, II. 52. Cf. *ibid.*, pp. 51, 70. The letter of Mar. 12 is also in *Pa. Arch.*, first ser., VII. 241. An earlier note from the committee to Reed, dated Feb. 9 (but probably should be Mar. 9), is *ibid.*, p. 187. Concerning a subsequent chapter in the history of the *Revenge*, see *ibid.*, pp. 281, 288, 309, 310, 318, 322.

⁵ In a letter to Henry Laurens, written from Freehold, New Jersey, Mar. 13, Nathaniel Scudder wrote: "is Common Sense like to obtain a Seat in Congress according to my prediction about the 7th or 8th of January, or is the House like to continue longer without it?"

"I am very anxious to hear how our affairs stand in Georgia, and what may be depended on from Europe. We have such a Variety of contradictory Accounts, that I can place no Confidence in any Thing I hear, and I scarce see a News-paper in a Month" (copied from the original, then in possession of Mr. Stan. V. Henkels).

[136]¹ *Essex Inst. Hist. Colls.*, LV. 253.

[137]¹ Library of Congress, Letters to Washington, XXX. 378 (in the writing of Burke, autograph signatures); N. C. Hist. Comm. (draft in the writing of Burke); *N. C. State Recs.*, XIV. 37 (printed as from General Washington to Governor Caswell).

We deem it inconvenient, in an in[a]dmisable degree, to permit an exchange of mere Citizens. The facility with which our Enemy can make Prisoners of our Citizens, the difficulty of our making adequate reprisals, and many other circumstances incline us to this Opinion. It seems even better to suffer the captivity of such as unfortunately fall into their hands, for tho' this is a calamity which greatly affects our Sensibility, yet it is far short of what we apprehend from admitting such exchange. We think it must necessarily prove an incentive to the making a greater number of prisoners of that order, and that the Efforts for making them would be attended with an increase of ravage and horror which we are not in a condition to prevent or chastise.

We shall also be very glad to be informed by you whether any reinforcements of regular Troops can be spared to the Southern department and if in your Opinion any be Necessary. At the same time we suggest that North Carolina is making very considerable Exertions for raising a reinforcement of Militia, both Cavalry and Infantry. We think you concur with us in Opinion that Militia forces ought to be employ'd only in Cases where they cannot be dispensed with.

We are Sir with the greatest Respect and Esteem

Your obdt Servants

THO BURKE

HENRY LAURENS ²

138. JOHN FELL, DIARY.¹

Monday March 15 Commercial Committee. Congress Letter from Genl. Washington and Genl. Maxwell. Imagine Admiral Gambier is going to New London. Genl. Putman has sent 400 Men there. Letter from Mr. Deane. Long debate, the Committee on foreign affairs to Report on Friday. Congress went in a Committee of the whole House to consider Bounds etc.

Tuesday March 16th 1779. Commercial Committee Congress. After Reading Letters etc. Went in to a Committee of the whole house, to consider of Bounderies etc. 6 P M. Marine Committee.

139. JAMES DUANE TO GEORGE WASHINGTON.¹

PHILAD. 16th March 1779

Dear General

Your Favour has been presented to the Committee of Conference.² I beg you will do me the Justice to believe that my Zeal for the publick

² Mar. 12 Congress referred to Burke, Laurens, and Meriwether Smith some letters from General Lincoln respecting matters in the Southern department. A draft of Washington's reply, Mar. 18, is in the Washington Papers. The committee made a report Apr. 8.

[138]¹ Library of Congress, Journals and Diaries.

[139]¹ Library of Congress, Letters to Washington, XXX. 383.

² Duane appears to refer to Washington's letter to Congress Mar. 15 (*Writings*, ed. Ford, VII. 363, ed. Sparks, VI. 195). The *Journals* record that letter to have been read in Congress Mar. 18 and in a manner that suggests that it had already been in the hands of the committee of conference.

good—and may I be permitted to add—my Respect and Affection for your Excellency, will never suffer what you have at Heart to languish for Want of my best Exertions: Yet must I ask for Allowances for your Representatives, who are too much incumberd with a Weight of Business, always to act with the necessary Vigour and dispatch. you will find that most of the Acts you recommended are passed in Congress: Such as remain will I flatter myself be pushed thro' by the End of the Week. The Provision for the Waggoners is that which I like the least, being expensive beyond Bounds: it may however be necessary, and we must at so critical a Time submit; I do it the more chearfully as much is left to your Excellency.

140. RICHARD HENRY LEE TO BARON DE KNOBELAUCH.¹

PHILA. 16 March 1779

Sir,

I am much concerned that the state of my health prevented me from seeing you when you did me the honor of calling at my lodgings, and my concern is very greatly increased by knowing that it is absolutely out of my power to promote your views. If Sir my powers were equal to my wishes which are founded on the conviction I have of your merit, most certainly you would be gratified in your desires. But I should think myself much to blame if I encouraged hopes where I was convinced that none can be entertained. The state of the army, the opinions of Congress on such cases, and the fact being that there are many more Officers of all ranks than Men to be commanded, will I fear render it impossible for you to succeed—Your situation affects me greatly, but how to better it, is a difficulty that I know not in which way to remove.²

141. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA, March 16th, 1779.

Sir,

The following agreeable news from So. Carolina, given to us by Col. Laurens since we came into Congress this morning is so agreeable and may be attended with such happy consequences that we have snatched a flying minute to communicate it to your excellency. Sunday, about 1 o'clock in the morning, (Feb. 14th,) Col. Campbell having previously destroyed the flat bottomed boats in which he had intended to have

[140]¹ *Letters* (ed. Ballagh), II. 40.

² Lee is replying to a letter from Knobelauch, Mar. 15. See *ibid.*, p. 40. Colonel the Baron de Knobelauch was a Prussian nobleman, who applied to Congress in July, 1778, for service in the American army and was permitted to serve as a volunteer (see the *Journals*, July 28, Aug. 7, 12, 18, 29). At this time he was asking for assignment to the active service. Such an appeal to Washington, dated Mar. 1, is in the Washington Papers, and a draft of Washington's reply, Mar. 7, is *ibid.* In a letter to Washington, written about Sept. 2, 1778, he gives some account of his career. For the later proceedings on his case, see the *Journals*, Apr. 13, 16, May 4, 13, Aug. 7, 12, 26, Sept. 4, 16.

[141]¹ R. I. Arch., Letters to the Governors, 1778-1779; Staples, *R. I. in Cont. Cong.*, p. 215.

crossed Savanna river into So. Carolina, quietly retired from Fort Augusta leaving behind him all his sick and wounded with a polite note recommending them to the care of Brigr. Genl. Williamson, who had prepared to attack the fort the next day.² . . .

We are, with great respect,

Your Excellency's Most obedt. hble Servants

WILLIAM ELLERY

JOHN COLLINS

142. HENRY LAURENS TO GEORGE WASHINGTON.¹

PHILADELPHIA 16th March 1779.

Sir,

I had the honor of addressing Your Excellency under the 2d Inst. this is chiefly intended to convey extracts of Letters which I received last night from Charles Town.² these shew our affairs in the Southern department in a more favorable light, than we had viewed them in, some few days ago—nevertheless the Country is greatly distressed and will be more so unless further reinforcements are sent to its relief. had we Arms for 3000 such black Men as I could select in Carolina I should have no doubt of success in driving the British out of Georgia and subduing East Florida before the end of July.³

The Packet which Your Excellency sent to go by Capt. McQueen⁴ rests in my hands, probably it will pass through Camp under the protection of Mr. Gerard who intends a journey through New Jersey in a few days, and tis equally probable Your Excellency will continue it under the same care. where Mr. Gerard is going to, is a subject not to be talked of at present, and yet 'tis two to one Sir, that you have heard it.⁵ . . .

Capt. McQueen is determined to return to Charles Town he agrees with me in opinion, that the Packet will be in a fairer way for safety and dispatch in the Minister's hand than in his. . . .

143. JOHN FELL, DIARY.¹

Wednesday Mar. 17th. Commercial Committee Congress Motion to Publish the Acct. that the King of the 2 Scisellys would open his Ports for the Vesells of the United States, And also to Publish as much of the Information from the french Minister as is necessary for the Public to

² See no. 142, *post*.

[142]¹ Library of Congress, Letters to Washington, XXX. 387.

² The extracts were from a letter of General Williamson, Feb. 16, and a letter of John L. Gervais, Feb. 23. Cf. no. 141, *ante*. To the extract of Gervais' letter Laurens appends a note upon the information given by the man who brought his letters.

³ Concerning the use of negro troops, see Washington's reply Mar. 20 (*Writings*, ed. Ford, VII. 370, ed. Sparks, VI. 203), and nos. 159, 163, 168, 183, 203, 375, *post*. Cf. *Life of Laurens*, pp. 356, 448-451, 475, 488.

⁴ Presumably Capt. John McQueen, commander of a South Carolina vessel. See Moultrie, *Memoirs*, I. 446, 447. Cf. no. 182, *post*.

⁵ Washington replied that he had not theretofore had the slightest intimation of Gérard's coming or the reasons for it. See no. 227, *post*.

[143]¹ Library of Congress, Journals and Diaries.

be acquainted with.² Report of the Committee on Genl. Arnolds affair Postponed till Monday.³ Letter from the Speaker of the Assembly for the Loan of 2 Million of Dollars.⁴ Committee of the whole to take in to consideration the Bounderies etc. 6 P M Met the Committee on foreign affairs.

Thursday 18th. Commercial Committee Congress. Letter from Genl. Washington Recommending a better Plan for Cloathing and Recruiting the Army. Letter from Genl. Schuyler to Resign 7 No 5 Ay Negative. Report from the Committee, to the Request from Pennsylvania that the Treasury could not comply with their Request Memorial Read from Mr. Girrard.⁵ 6 P M Committee on foreign affairs.

Friday Mar. 19th 1779. Com'l Committee Congress. Sundry Letters Read. Went in to the Consideration of the sundry articles agreed for an Ultimatom in settling Bounderies. long Debates till 4. 6 P M Attended the Marine Committee

Saturday March 20th. Commercial Committee Congress. Letters from General How, Govr. Rutledge, So. Carolina, Govr. Henry of Virginia.

Report of G Morris for a Fast, to be on the first Thursday in May.⁶

144. JAMES DUANE TO PHILIP SCHUYLER.¹

[March 20? 1779.]²

Dear Sir

Congress have declined accepting your Resignation. It woud be too great a Gratification to malevolence and too great a Sacrifice of the Interest of the Publick and the Security of your own state. We are not yet out of the Woods tho' we begin to see our Way. Men of publick Spirit and great Abilities cannot be spared: The Operations of the War will lead where you have most Experience: But the Reason which ought to satisfy you is that the Commander in Chief expressed the Strongest Aversion to your leaving the Service, giving you high Commendation and urging your Genius and your Experience and that he greatly relied on them

The Delegates from New York were unanimous in their Resolution that they woud not Vote to accept your Resignation³ As our State ex-

² Cf. the *Journals*.

³ See no. 58, note 2, *ante*.

⁴ See the *Journals*, Mar. 8, 17, 18, 20, and no. 128, *ante*.

⁵ The memorial, dated Mar. 17, is in Wharton, *Rev. Dipl. Corr.*, III. 85, and urges Congress to expedite its determination respecting the foundations for peace negotiations. "Every day's delay", he says, "increases the obstacles to the success of the advantageous plans which the king has communicated to the United States. To prolong the deliberation upon peace may be to reject it." See no. 103, *ante*, and no. 167, *post*.

⁶ There is a marginal note, probably intended for Mar. 20: "Rain all night." The entry for Sunday, Mar. 21, is, "Dined with Mr. J. Searle".

[144]¹ N. Y. Pub. Lib., Schuyler Papers, no. 553; *ibid.*, Bancroft Coll., Schuyler Papers, no. 723 (copy); Harvard Univ. Lib., Sparks MSS., LX. 157.

² This letter may have been written as early as Mar. 18, but the letter dated Mar. 20 (no. 145, *post*) is actually a continuation of this one.

³ See the *Journals*, Mar. 18; cf. no. 106, *ante*, and nos. 145, 146, 241, *post*. April 2 Schuyler again offered his resignation, which was accepted by Congress Apr. 19.

tends from Lake Nipissin to the source of the Mississippi, or a[t] least along the 45th d. of N. Latitude from Connecticut River to the Mississippi: how necessary will it be for Us that your military Knowledge should be kept alive and your Authority undiminished! I hope you will cheerfully submit to what is done, and drop the Correspondence, at least with Congress, on this Subject. If more must be said let it pass thro' your Friends: and whenever you Resign let it be after the Impressions so cruelly attempted to be inculcated are effaced: At least let it not be said that you was obligd to give Way to those who persecuted you without a Cause.

Congress have orderd the Articles for Onei'a and Tusc'o presents to be sent as you request: ⁴ The Commiss's are to be reported upon by the Board of War, and you will hear of them in good Time.⁵ . . .

145. JAMES DUANE TO PHILIP SCHUYLER.¹

PHILAD 20 March 1779

My dear General

Much as I have said on the Chapter of Resignations in the Letter which accompanies this ² I totally forgot to answer two of your Queries. Know then that neither General Lee nor General St. Clair have resignd. . . .

General Glover sent in his Resignation three weeks ago on Account of his private affairs: but Congress declind receiving it: allowing him however a furlough for I think Six Months.³ you will be allowd every Indulgence which you require on Actt. of your Health: . . .

146. JOHN JAY TO PHILIP SCHUYLER.¹

PHILADELPHIA, 21st March, 1779.

Dear Sir:

. . . Congress has refused to accept your resignation. Twelve States were represented. New England and Pennsylvania against you. The delegates of the latter are new men, and not free from the influence of the former. From New York south you have fast friends. Mr. * * * 's disposition is at least questionable.² Delaware was unrepresented.

What is now to be done? You best can answer this question. Were I in your situation, I should not hesitate a moment to continue in the service. I have the best authority to assure you that the commander-in-chief wishes you to retain your commission. . . . Would it not do you

⁴ See the *Journals*, Mar. 18. The Oneida and Tuscarora Indians are not specifically named in the resolve. See, further, the *Journals*, Mar. 24 (resolve originating in a report of the board of war dated Mar. 20).

⁵ See the *Journals*, Apr. 3 (p. 411).

[145] ¹ N. Y. Pub. Lib., Schuyler Papers, no. 552.

² The preceding letter (no. 144).

³ See the *Journals*, Feb. 27.

[146] ¹ *Corr. and Public Papers of John Jay*, I. 193.

² See the *Journals*, Mar. 18, and nos. 144, 145, *ante*. The three votes Mar. 18 on the question of Schuyler's resignation do not clearly show who was the person of questionable disposition, but Witherspoon, Burke, and Laurens uniformly voted in opposition to the New York delegates. A public letter to Schuyler of the same date (Letter-Book, p. 71) merely informs him of the action of Congress Mar. 18.

honour to inform Congress that, while in their opinion your services ought not to be withheld from your country, neither the derangement of your private affairs, the severities you have experienced, nor regard to your health already impaired in their service, shall restrain you from devoting yourself to the execution of their commands; but that whenever the situation of our affairs may cease to call you to the field, you hope they will permit you to retire and attend to the duties you owe your family. . . .

147. JAMES DUANE TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILAD. 21st March, 1779

Dear Sir,

. . . . Congress have been under a necessity of leaving it to the States to fill up their quotas of the Army in their own way;² Virginia having taken her measures without consulting us, and their Assembly being adjourned before the account reached this City.³ She has been so excessively liberal as to grant 400 dollars and 300 acres to every volunteer who shall enlist in her battalions during the war. While States thus interfere no general system can be adopted; but each must be left to its own prudence. Our plan was to give a sufficient bounty and recommend it to the different Legislatures to refrain from partial bounties. I think it would have been wise. As we are still under a necessity of emitting money, the people being averse to loans, we are called upon from all quarters to recommend a large additional tax. Nothing else can aid our currency. I wish to know the opinion of our State. We are seldom favored with their directions, and therefore have not so much confidence as the gent. who are more frequently instructed by the sense of their constituents.

148. RICHARD HENRY LEE TO ARTHUR LEE.¹

PHILADELPHIA March 21. 1779

My dear [Brother]²

I refer you to mine by Capt. Robinson written when I was on my way to this place. I found when I arrived here that the [author] of [*Common Sense*] had pursued his [blows] so [effectively] that without [doors Deane] and his [faction] have lapsed into [general contempt]. A more [wicked set] I really think never [disgraced] and [injured society]. [With]in [doors] the [faction continue] to [exert themselves], but I do not think [they] can [succeed]. However [they] are [numerous] and [arrogant], therefore [you] will not be surprised let [happen]

[147]¹ Harvard Univ. Lib., Sparks MSS., XII. 69.

² See the *Journals*, Jan. 23, Mar. 9, and no. 149, *post*.

³ The reference is presumably to the Virginia resolution of Dec. 18, mentioned in the *Journals*, Jan. 26.

[148]¹ Harvard Univ. Lib., Lee MSS., VI. 37.

² The words in square brackets (excepting the instance mentioned in notes 4 and 5, below) are written in cipher. See no. 87, *ante*.

what [may]. But provide all possible [proofs] of [Deane's libel]. His [charges against you] are [suspicion, jealousy, affronting, hate] of the [French] and that you [informed Lord Shelburne] of the [treaty] on the day of [signing].³ For all this [assertion] alone is [produced]. But [against] him [enough] appears to induce the most [violent suspicions]. This they know and therefore loosing [hope] of [supporting Deane] their [hope] now is to make you [fail] also. But here will be the puzzle. Their [rôle] is not less [against William]. The [charges] against [him]⁴ are [meanesses] and going [shares] with the [agents] he [appointed]. But there is no [proof]. Yet [ambition, avarice, envy], and [toryism] can make what they cannot otherways find, and believe for gratification things that exist not. Should they act so injuriously I hope you will [appeal] to the public, so that shame and disgrace may fall on the wrong doers. With composure therefore [collect] your [proofs].

Give my best love and respects where you know them to be due

[RICHARD HENRY LEE]

P. S. Mr. [John Adams] has [wrote] greatly in [your favor(?)]⁵ to S. [Adams].⁶

I can neither send newspapers nor be more large and particular because I am not acquainted well with the conveyances and my notice is short.

149. THOMAS BURKE TO GEORGE WASHINGTON.¹

PHILADA. March 22d 1779.

D'r sir,

When I had the pleasure of seeing you in this city I had a little conversation with you on the subject of re-enlisting such of the North Carolina troops and levies whose time of service might be nearly expired. My colleagues and myself wrote to the state on the same subject. the Assembly thereon resolved "that three hundred doll's per man be given to each soldier who shall re-enlist for one year or more in the N. C. Continental service."² The delegates are authorized to act accordingly; and we are unwilling to take any measures without previously consulting you, lest we should contravene some general orders by you given under the late regulations for recruiting the army. We are inclined to give the state bounty in addition to the continental, to all who shall enlist during the war. We deem soldiers obtained on such terms better worth the ag-

³ This charge against Arthur Lee is discussed in some detail by William Lee in a letter to Richard Henry Lee, June 24, 1778 (*Letters of William Lee*, ed. Ford, II. 680). See also nos. 12, 87, *ante*.

⁴ The pronoun "him" is not in the text, but it is evident that the charges here referred to are those against William Lee.

⁵ There is no cipher for "favor" in the text, but that or some word of like significance, as *behalf*, *defence*, was evidently intended.

⁶ The reference is probably to the letter of John Adams, Feb. 14, in Wharton, *Rev. Dipl. Corr.*, III. 47. Cf. John Adams's letters to James Lovell and Samuel Cooper, Feb. 20 and 28, respectively, in Adams's *Works*, IX. 476, 478.

[149]¹ Library of Congress, Letters to Washington, XXXI. 37 (copy); *Am. Cath. Hist. Researches* (1900), XVII. 109.

² *N. C. State Recs.*, XIII. 718 (Feb. 10, 1779).

gregated bounty than soldiers enlisted for one year are worth the State bounty; and indeed, Sir, we are disposed to do everything in favor of the Soldiers, deeming them the most useful, the most suffering, and the most important order of our fellow citizens. My colleagues concur with me in requesting your advice on this subject as soon as possible, and in assuring you we shall co-operate with you with the greatest cheerfulness.³

150. THOMAS BURKE TO BENJAMIN HARRISON(?).¹

PHILADELPHIA, March 22nd, 1779.

Dear Sir:

I delayed thus long answering your favour of febr. 18th in hopes that every day would bring to a period some important Business on which we have for some time been engaged. But delays many of which are the Effect of Artifice, have hitherto intervened and prevented me, and at this time I am not at liberty to communicate anything.

I am in sentiment with you on our finances, and our affairs generally, but my hopes are more sanguine than yours, perhaps *from having a fuller information*. I have great Confidence in the resources of our People and I am persuaded ²

151. GOUVERNEUR MORRIS, PROPOSED MOTION.¹

[March 22? 1779.]

Principles

That the United States have a Common Right to take Fish upon the Fishing Banks of North America and elsewhere upon the High Seas.

That this Right is necessarily adherent to every Sovereign Power and consequently within the Guarantee of Liberty Sovereignty and Independence of the United States by the Treaty of Paris.

That the Exercise of this Right is highly advantageous to these States and cannot be interrupted without great loss Injury and Danger to them.

That any such Interruption ought to be considered as a direct Commencement of Hostilities.

That in a Treaty of Commerce with G. B. express regard be paid to the Exercise of the said Right and articles inserted relative thereto on Principles of Equality and Reciprocity.

That if Great Britain shall not assent to the Insertion of such articles no Treaty of Commerce be agreed to on the part of the United States.

Conclusions and Instructions.

As Doubts may arise how far the Guarantee of our Liberty Sovereignty and Independence extends in Relation to the Fishery that an Explanation on that Subject be requested from France.

³ A draft of Washington's reply to Burke Apr. 5 is in the Washington Papers. Cf. no. 147, *ante*, and see Washington to the President of Congress Mar. 15 (*Writings*, ed. Ford, VII. 363, ed. Sparks, VI. 195); also Washington to the board of war June 9 (*ibid.*, p. 198 n.), and the *Journals*, June 22.

[150]¹ N. C. Hist. Soc., Chapel Hill; N. C. *State Recs.*, XV. 738.

² The remainder of the letter is missing. The fragment bears a memorandum, "Unfinished Letter suppose to Col Harrison".

[151]¹ S. C. Hist. Soc., Laurens Papers, vol. XV.

That the United States will not Guarantee the American Dominions of Great Britain without an Express covenant from her not to disturb them in the Exercise of the Said Right.

That the United States will not consent that France shall Guarantee the said Dominions without such Explanation as aforesaid unless G. B. shall make the Covenant above mentioned.

That if no such Explanations or covenant be obtained the United States will not consent to a Treaty of Peace.

[Endorsed:] Mr. Morris's Proposed Motion on fishery.²

152. HENRY LAURENS, PROPOSED AMENDMENT.¹

[March 22? 1779.]

Principles and inferences for forming Instructions.²

The United States of America have a common right of Fishing on the high seas and on the Fishing Banks of North America.

The Inhabitants of the said States had enjoyed such right from their earliest settlement in America until they were deprived of the exercise of their right, by certain late Acts of the British Parliament, enforced by arms.

That it is essential to the welfare of these United States that their Inhabitants should recover and re-enjoy the right of taking fish on the high seas and on the Banks of North America as aforesaid.

That this right is also necessarily adherent to every Sovereign power and consequently within the design of the 2d Article of the Treaty of alliance between the Court of Versailles and these States the direct end of which is to maintain effectually, the Liberty, Sovereignty and Independence absolute and unlimited of the said States as well in matters of Government as of commerce.

That if Great Britain shall refuse the insertion of an Article or Articles in a Treaty of peace, for securing to these States the re-enjoyment of the said Fisheries no Treaty of Commerce between Great Britain and these States be agreed to.

That no demand be made respecting the Fisheries which shall tend to encroach on the rights of our Allies as settled and restricted in the Treaty of Paris of 1763 between Great Britain and France, nor in any degree

² Just when this motion was brought forward is uncertain. It is placed at Mar. 22 for the reason that on that day the question of the fisheries was taken up in Congress, and a motion of this character, laying down the fundamental principles upon which the conclusions of Congress and instructions to the ministers should be based, would naturally be offered at the beginning of the discussion. As the motion is not recorded in the *Journals*, it is possible that it was offered in the committee of the whole during the consideration of the subject in the first half of March. See Laurens's Proposed Amendment, no. 152, *post*. A motion somewhat similar in language and provisions was offered by Elbridge Gerry June 19 (*cf.* no. 360, note 2, *post*), and these provisions were, with some modifications, embodied in the instructions to the ministers which were finally adopted. See, particularly, the *Journals*, Aug. 4, 14.

[152]¹ S. C. Hist. Soc., Laurens Papers, XV. Another copy, endorsed, "Proposed M'n for Fishery Amend. on G. M.," is *ibid*.

² According to the endorsement, this statement of principles upon which claim to the fisheries rested was offered by Laurens in lieu of that proposed by Gouverneur Morris, no. 151, *ante*.

to violate the Treaty of Paris between the Court of Versailles and these States.

[Endorsed:] Mr. Lauren's Amendment on Mr. Morris's proposed Motion on fishery.³

153. JOHN FELL, DIARY.¹

Monday March the 22d. Commercial Committee Congress. Order of the Day, for considering the Ultimatum for the Fishery. Long Debate.²

Report for Appointing Clothier General etc. to be considered tomorrow morning. 6 P M. Committee on foreign Affairs.

Tuesday March 23d 1779. Commercial Committee. Congress. went in to the Report of having a Clothier General etc. etc. Letter Read from Major Clarkson for leave to go to the Southern Army. Motion made by one of the Delegates for Pennsylvania, that he have leave to go. long debate. Motion to Postpone Yeas and Nays call'd for carried in the Affirmative. Motion per G^r Morris that Major Clarkson be call'd to the Barr and Repremanded per the Chair for his Past conduct in writing disrespectfull Letters to the Executive Council of this State etc.³ 6 P M Marine Committee.

154. SAMUEL ADAMS TO JAMES WARREN.¹

PHILADA. March 23, 1779.

My dear Sir,

I am to acknowledge the Receipt of your Favors of the 12th and 28th of February. The Letter you mention in the former came to hand, but I am apt to think it will have no Effect at all.² There was an Omission,

³ In the Laurens Papers (Congressional Letters, etc., 1779) is another memorandum, dated Mar. 22, comprising three items in the proceedings of Mar. 22 and 24. The first is a copy of Gouverneur Morris's motion of Mar. 22, as adopted (that is, the "third resolution"; see the *Journals*, pp. 349-352), except that the words "as above described" have been left out. At the close of this is a pencilled memorandum of the negative votes on the question (six tally marks, with "no" three times above them; there were actually seven states in the negative); also the notation, "Reconsid. 24 or 25". The second item is the motion of Burke and Drayton, Mar. 24, to amend article 4 (see the *Journals*, p. 369); and the third item is Burke's motion, upon reconsideration of article 3, to strike out certain words (see the *Journals*, pp. 371-372). Laurens's record is: "Mot'n Burke Drayton to strike out 'to fish' and 'provided' and in lieu thereof to insert", etc. It is to be noted that the name of the member who seconded Burke's motion is not entered in the *Journals*, while Laurens's memorandum shows that it was Drayton. Following this is a note by Laurens, "Then came Mr. L's motion in lieu of the whole". "Mr. L" is evidently Richard Henry Lee, whose motion (seconded by Eliphalet Dyer), "as a substitute to the whole", is recorded in the *Journals* (p. 372). Cf. nos. 113, 114, 119, 133, 138, 143, 151, ante, and nos. 153, 159, 167 (note 2), 255, 256, 269, 270, 307, post.

[153]¹ Library of Congress, Journals and Diaries.

² See nos. 151, 152, ante, and no. 159, post.

³ See nos. 69, 110, ante, and no. 158, post.

[154]¹ Mass. Hist. Soc., Warren MSS., vol. 3, p. 238; *Writings* (ed. Cushing), IV, 139.

² Warren's letters of Feb. 12 and 28 are in *Warren-Adams Letters*, II, 86, 91. In that of Feb. 12 he wrote: "The Court is setting, I can tell you but little about them. . . . Your old Friend [i. e., Hancock] figures away in the Usual Stile. Sometimes the pendulum swings one way and sometimes the other. I mean with regard to Whiggism or Toryism, but never fails to swing uniformly against all that wont Bow down and

in the Navy Boards not having Notice officially of the inclosed Resolution of Congress, but I hope the Delay has not been attended with material Inconvenience.³

I do sincerely hope the General Assembly will appoint another Person to take my Place here. I wrote a Letter to them last December,⁴ requesting that I might be relieved by one of my absent Colleagues or some other Gentleman, and permitted to return to my Family. I find my Health declining, and the Air of this Country is unfriendly to it. I am therefore for that, and other Reasons which I shall mention to you hereafter, steadfastly determind to get my self excusd in April or May at farthest. In doing this, I shall immediately make Room for an abler Man. Such may easily be found and, I hope, be prevaild upon to come.⁵ . . .

155. JAMES LOVELL TO HORATIO GATES.¹

Mar. 23d. 1779.

Dear Sir,

You have lived long enough in the World to know that a Man may vex himself to death if he lets the little Arts of Envy or Malice affect him, therefore you will be thrown into no Convulsions upon reading the Remarks made upon Morris and Drayton by Common Sense who meanly gives in to an Error of Servility while he corrects the Duumvirate. *He was afraid* to mention any Body but *Starke*

worship a very Silly Image. you will have an Instance in a Letter which I am told has gone forward lately from a Certain Assembly to Congress relating to the Ships here and the Navy Board. this Letter had its rise from him and was Calculated and designed to Carry very Injurious reflections on the Board, but was greatly Amended (to his Mortification) by the other Branch. I believe it contains now but little more than a desire to have the Navy Board under their direction. if Congress think it necessary they should have more Masters they will do it, but I hope at the same time they will appoint one new Member in the room of one old one." The letter was probably that of Feb. 10 from Jeremiah Powell, president of the Massachusetts council (Papers Cont. Cong., no. 65, vol. I., f. 382), read in Congress March 5 and referred to the marine committee. One part of that letter asked that orders be sent to the navy board to send out cruisers to operate against the enemy privateers which had been infesting the coast. Against this passage is a marginal notation, "Nothing to be done".

³ This seems to have reference to the following question in Warren's letter: "Has Congress reconsidered their Vote for augmenting our Salaries. We have had no official Information of it. I wish to know how the matter stands. if it be on the old Foot I must quit or be ruined." The increase of salaries had been voted Oct. 31, and both Adams and Gerry had informed Warren of the action (Nov. 3 and 8, respectively, vol. III., nos. 602, 614).

⁴ Dec. 1, *Writings*, IV. 93.

⁵ Cf. the letter to Mrs. Adams Mar. 23 (*Writings*, IV. 137). Adams is evidently writing anent a passage in Warren's letter of Feb. 28: "I am fully persuaded of the Existence of such a Combination as you mention to Doctor Cooper. we have Instances of it here with regard to you and my other Friends at Congress. last Winter the Art was to hold you up as an Enemy to General Washington now it is to prejudice the People against the Lees, and to propagate that you are a Friend to them. and at Last the matter has been Carried so far as to obtain a Vote in the House for a Committee to Consider the Propriety of recalling three of their Delegates and sending three now here." See Adams's further comments on the subject in this letter, also in his letters to Samuel Cooper Jan. 3, 6 (*Writings*, IV. 111, 115). Cf. vol. III., nos. 305, 602. A letter of Mar. 24, which accompanied this letter of Mar. 23, and relates entirely to Arthur Lee, is in *Writings*, IV. 141.

[155]¹ N. Y. Hist. Soc., Gates Papers, XIV.

A very judicious Foreigner who was at the Camp Celebration of the Alliance wished out of *pure Regard to Genl. Washington* that a Somebody in the Assembly could have mustered Magnanimity enough to fill a Glass to Genl. Gates when those who *died* at Saratoga were remembered.

I wish I was near you [to] talk over the Ultimata suited to the Time and supposed State of Things in which Peace may happen to be proposed. It would be no Miracle if *now* hinted. But I own I wish it may not be offered but at a Season when we are *prepared* for War or at least *preparing*.² Is that our Case now.

As to northern Expeditions, I am not in the Secret.

Is it not *impudent* to keep *only* about 6 Thousand Men and no Ships at N York? I do not say it is insufficient, considering *all* Things.

No Letters from Boston Today. No man not even a Currier is thought to be obliged to behave as formerly when the *Money was better*. How shall we contrive to burn half of it? If Men will not lend we must emit. Why is there not so much Patriotism as to enable us to declare solemnly that we will not strike a single Bill more?—But, that Topic adds a Sickness at my Stomach to the Pain in my Jaw and obliges me to close with a Repetition of much Regard.

JAMES LOVELL

156. WILLIAM WHIPPLE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA 23d March 1779

Sir

I have the Honour to inclose a Resolution of Congress respecting the Exchange of Capt. Green,² also a Report of the Committee to whom was referred your Letter respecting the loss sustained by Sam: Davis.³ The poor mans misfortune is to be lamented, but it is necessary that matters of this kind should be settled on general Principles.

I should be happy to have it in my power to transmit you the determination of Congress on the Petition of the Officers; a report of the Board of war on that subject has been some time on the Table but when it will be decided on is impossible for me to say,⁴ in the mean time there appears the Greatest necessity to Recruit and enable the Army to Act with Vigour, and I doubt not New Hampshire (who has never been behind any of her Sister States in vigourous exertions) will adopt proper measures for that purpose, for notwithstanding the Idle Rumours about Peace I am confident it will be necessary to prosecute the War with the utmost Vigour. The last accounts from our Commissioners in France justify this Opinion. . . .

² Cf. no. 113, *ante*, and nos. 175, 189, *post*.

[156]¹ N. H. Hist. Soc., Weare Papers, VI. 55.

² See the *Journals*, Mar. 19.

³ See the *Journals*, Dec. 2, 1778, Mar. 9, 1779.

⁴ Cf. nos. 9, 124, *ante*. The report to which Whipple refers is probably one of the reports of the committee of conference, that relating to provision for the officers. See the *Journals*, Apr. 12, 13, 14, May 24, June 12, July 14, 30, Aug. 11, 12, 16, 17, 18.

157. THOMAS BURKE TO GEORGE WASHINGTON.¹

PHILADELPHIA March 24th 1779

Sir

The Governor of South Carolina has pressed the Governor of Virginia for an aid of Cavalry, and the latter has recommended to the Several Counties of his State which lie contiguous to Carolina to raise Corps of Volunteer Cavalry in order to march to the aid of the Southern Army and has transmitted his proceedings to Congress. the affair is comprehended in a Business referred to a Committee of which I have the honor to be a member, and I am directed to ask you Sir if Colonel Blands or any other Cavalry of the Regular Army can be spared to that department.² The Committee are willing to Report that The Volunteers be Countermanded if any other aid of that kind can be afforded, but are unwilling to leave the Southern Army without so Necessary an appointment. the Report on this particular will be suspended until we are favored with your answer. I therefore beg leave to Request it as early as may be Convenient.

I have the honor to be With perfect Respect and Esteem

Your most obd hum Sevt

THOS BURKE

[P. S.]

158. SAMUEL HOLTEN, DIARY.¹

[March 24, 1779.]

24. Majr. Clarkson was reprimanded by the president of Congress for writing a disrespectful letter to the Council of Pennsylvania.²

159. JOHN FELL, DIARY.¹

[March 24, 25, 1779.]

Wednesday Mar. 24th. Commercial Committee Congress. Letter from Majr. Clarkson Read in which he seems to doubt the Authority of Congress's power to send for him. At 12 He came and was Reprimanded. After he was discharg'd, it was moved that a Brevet Commission of Major be given him, after much debate the mover withdrew the Motion² Order of the Date for considering the Bounderies. Line to be drawn in Lat'd 45. agreed. Gave my Negative to the full and free Navigation of the Missasipia, if we must continue the Warr for that to be our Ultimatom³ NB a very great storm of Snow

[157]¹ Library of Congress, Letters to Washington, XXXI. 64.² The committee was appointed Mar. 18. It reported Mar. 25 and 29. See also the *Journals*, Apr. 10, 13. A draft of Washington's reply to Burke Mar. 28 is in the Library of Congress, Washington Papers.[158]¹ *Essex Inst. Hist. Colls.*, LV. 253.² See nos. 69, 110, *ante*, 159, *post*, also the *Journals*, Apr. 14.[159]¹ Library of Congress, Journals and Diaries.² See nos. 69, 110, 158, *ante*.³ Cf. nos. 114, 119, 133, 143, 151-153, *ante*, and nos. 167, 255, 256, 269, 270, 307, *post*.

Thursday March 25th. Commercial Committee Congress. Debates abt. the Clothier Generals department. Post Poned till tomorrow.⁴ A Report from the Delegates of So. Carolina and Georgeia, for Raising [blank] Battalions of Negroes to be Officerd by White Men and appointed by the Authority of the State, to be allowd 1000 Doll's for Ea⁵ NB This morning Coll. Freelinghuysen went home⁶ 6 P M Marine Committee.

160. JOHN FELL TO THE GOVERNOR OF NEW JERSEY
(WILLIAM LIVINGSTON).¹

PHILADELPHIA, March 25, 1779.

Dear Sir,

I cannot help complaining to your Excellency of the behavior of some of the delegates from our state, which is not only disgraceful to the state, but in my humble opinion, treating me with the greatest impoliteness; they take upon them to leave Congress when they please and without leave, by which the state in course is not represented. Last Saturday Dr. Witherspoon went home without ever saying one word to me on the occasion,² and this day Colonel Frelinghuysen went away in the same manner.³

No man has the service of his country more at heart than I have; but then I should choose to be treated in such manner as I think I have a

⁴ According to the *Journals* the ordinance for the regulation of the clothing department was adopted Mar. 23, and there is no record of the consideration of the subject Mar. 25. Cf. the *Journals*, Apr. 1, 5.

⁵ See the *Journals*, Mar. 25, 29, Apr. 3, and nos. 142, *ante*, 163, 168, 183, 203, *post*.

⁶ See nos. 160, 238, *post*. Frelinghuysen presented his account for attendance May 31, 1780, wherein he debits himself "To cash drawn from the continental Treasury 1100 dollars" (see the statement of expenditures for the year 1779, *Journals*, XV. 1438), and credits himself "By attendance at Congress as one of the Delegates for the State, from January 10th 1779 to March 14th 1779 both days inclusive at 20 dollars per day is—1100 dollars" (Haverford College, Roberts Coll., 722). His attendance actually extended through Mar. 24. Whether the date Mar. 14 was an accidental error for Mar. 24; or was purposely given as a means of omitting a charge for the ten days (Mar. 1-10) during which he was absent is uncertain.

[160]¹ *N. J. Rev. Corr.*, p. 141.

² Following is an extract of a letter from Witherspoon to a friend in Scotland, dated "Tusculum, near Princeton, March 20, 1780": "I have now left Congress, not being able to support the expense of attending it, with the frequent journies to Princeton, and being determined to give particular attention to the revival of the college. Professor Houston, however, our professor of mathematics, is a delegate this year; but he tells me he will certainly leave it next November. I mention this circumstance to confirm what I believe I wrote you formerly, that the members of Congress in general, not only receive no profit from that office, but I believe five out of six of them, if not more, are great losers in their private affairs. This cannot be otherwise; for as none of the delegates are allowed to have any lucrative office whatever, either in their own state or for the United States, though their expenses should be fully borne, their time is taken up, and their own private estates are neglected. At the end of the year 1778, I gave notice to our legislature that they must either not chuse me at all, or leave me at full liberty to attend only when I could conveniently. They chose me however, and I made a good deal of use of that liberty in the year 1779; and this year all the delegates were changed but one, who had only been in one year, and who has not a house to go home to, his estate being in the neighbourhood of New York." *Works of Witherspoon* (Edinburgh, 1815), IX. 171. The delegate alluded to in the close of the extract was doubtless John Fell.

³ See no. 159, *ante*, and no. 238, *post*.

right to as a gentleman. And I am certain such treatment from my colleagues cannot be deemed in that line. Therefore I request it as a favor, that I may not be treated in like manner in future; to make my stay here so exceedingly disagreeable.


I received a letter this week from hon'l Mr. Scudder, dated 13th inst., he wrote me he expected to be here in about six weeks from that date. When Dr. Scudder comes I hope your Excellency will have no objection to my paying a visit to my family for a short time. As I have engaged to serve the state for the time of my appointment I undoubtedly shall do it, to the best of my power and ability. However, I hope the honorable Assembly will pay some regard to the increase of pay for my service, as every kind of expense has advanced in this city upwards of 50 per cent. since my appointment. It is with great reluctance I am under the disagreeable necessity to mention a circumstance of this kind, but my private fortune has suffered so much from the great losses I have met with, as well as my long, cruel captivity, that I shall not be able to support the extraordinary expense long. I am certain there is no member in Congress does more duty than I do. Every morning at the commercial committee, afterwards at Congress, and three stated nights in a week at the marine committee, besides occasional committees; in short, there has been very few nights this winter that I have not been engaged in business. And not to be able to live in the manner I have ever been used to, without spending my own money as well as time, is rather too unreasonable for the public to desire of any individual. . . .

161. HENRY LAURENS, NOTES OF DEBATES.¹

26 March, 1779.²

G. M.³

"By their publications they have directly and positively appealed to the Public and stand as the accusers of Congress to their Constituents, therefore (*assigning many reasons*) we cannot consistently with the honor and dignity of this Congress nor consistently with the regard we owe to our Constituents confer with the State of Pennsylvania, before they shall have made reparation" etc.

 In a second Speech, he compared the powers of the Executive Council with the power of other States—"it was inferior to that of N York, and believed it was inferior to the powers of many other States. he had known some Corporations of less Limited powers."

Qu. what are the States, but, so many self created corporations.

Gen. Armstrong and Mr. M'Lean⁴ displayed the constitution and powers of the Executive Council.

G. M. after comparing powers as above—"I ask, if the Governor of this State had published such charges against Congress, would you con-

[161]¹ S. C. Hist. Soc., Laurens Papers, Congressional Letters, 1779. The document is endorsed, "Speeches in Congress 26th March 1779 against conferring with the Executive Council of Pennsylvania".

² See the *Journals*, Mar. 26.

³ Gouverneur Morris.

⁴ John Armstrong and James McLene, delegates in Congress from Pennsylvania.

fer with him; before you had vindicated your honor to the World and received some satisfaction. I trust not. I think I may answer for every Member present. there is not I am persuaded, a single Gentleman on this floor, who would venture to give his voice for descending so far below the dignity of this House" "I don't know what the publication is. I have heard of it but I have not seen it."

Mr. Lov⁴ reminded him of S. Deane's publication of the 5th Decem. and the conduct of Congress thereon.

G. M. replied—"the Cases were not similar (or parrallel) but granted, a thousand wrongs don't make one right. if we did wrong in that Instance let us take care to avoid doing wrong again."

M. S.⁵ "If I have been abused and traduced and held out in print to the Public, shall I as an individual submit to a conference with the Man or any set of Men who have used me in that manner. No Sir! I don't know the powers of Congress whether it extends to expulsion, but I will sooner be expell'd and turned out of that door, than submit to give my voice in favor of so disgraceful a measure (or conduct) No Sir, let us publish and vindicate our conduct first, to the World, before we talk of conference."

J. P.⁶ Would any Gentleman in private life, after he has been abused by another Gentleman, enter into a conference before he had received satisfaction. No! I am sure I would not. I don't know what other Gentleman's feelings may be. I speak for my self. I can't answer it to my State, consistently with the honor and dignity of those who I have the honor to represent.

G. M. I think, I am sure that publication ought to be taken under consideration of a Committee and narrowly scan'd, before we talk of conferences.

there are such things as preliminaries to treaties, which are necessary to be established before the Treaty is entered upon.

If we have done wrong let us acknowledge it before we confer. if we have been wronged let us not confer before we receive satisfaction.

I have no idea of compromising quarrels. I am for following Shakespeare's advice,

"beware of entrance to a quarrel; but being in, bear't that the opposer may beware of thee."⁷

W. H. D.⁸—supported these doctrines, and voted accordingly talked of the duty of every Man to know and to *feel his own* dignity.⁹

162. JOHN FELL, DIARY.¹

Friday March 26th Commercial Committee Congress. Letters, from the Chairman of a Committee of the Assembly and Executive

⁵ Meriwether Smith.

⁶ John Penn.

⁷ *Hamlet*, Act I., scene 3.

⁸ William Henry Drayton.

⁹ Although the manuscript is torn at this point, this is probably the end of the notes of this day's debates. The discussion was resumed Mar. 29, and Laurens has left notes of the debates of that day. See no. 165, *post*.

[162]¹ Library of Congress, Journals and Diaries.

Council of Pennsylvania desireing a Conference with a Committee of Congress. Motion for Committing the Papers Ys 5. Ns 5. 2 devided, 1 not Represented. Motion per G Morris that a Committee be appointed agreeable to the Request Mr. Smith moved as an amendmant the Committee of Council be struck out. Long debate 5 Ys Ns 5. there ensuid a long debate on order till Adjourn'd an unhappy dispute, Occasioned intirely by means of Major General Arnold.² 6 P M Marine Committee.

*Saturday March 27th 1779.*³ Commercial Committee Congress. Letter from Major Genl. Arnold requesting the Report of the Committee to be taken up, on which the Report was Read, and the Papers Letters etc. that Pased between the Committee and the Executive Council after which a Motion was made that Genl. Arnolds affair be Postponed, and the Motion of Yesterday taken in to consideration for a Committee to meet a Committee of the Assembly and a Committee of the Executive Council in Conferance Ys and Ns Carr'd in the affirmative,⁴ then M Smith moved after a long Speech, that the Chair be requested to call on Each Member to know if they have Receiv'd any intelegence from any foreign Court, in Europe and Particularly from England Ys and Ns carr'd in the Affirmitive. All No⁵ Mr. Lovell moved for Mr. Aken to Print the Journals debate about the Propriety of Printing the Yas and Nas etc. the Ys and Ns call'd for on the Question carr'd in the affirm'e I was No. I think they are very often Ridiculous.⁶

163. WILLIAM WHIPPLE TO JOSIAH BARTLETT.¹

PHILADELPHIA 28th march 1779

My Dear Sir

Some days ago I hastily asknowledged the receipt of Your favor of the 20th Ultio.²

I am fully of Your opinion, and was at the time that the good effects of calling in the two Emissions will be in a great Measure Marred by Exchangeing them, but you know the best Political systems are often destroyed by one stroke of bad Policy. . . .

² See nos. 58, 95, 143, *ante*, and under Mar. 27, below.

³ In the *Pennsylvania Packet* of Mar. 27 is a communication from "A Customer", prefaced with these remarks: "I have sometimes seen speeches that never were spoken, and sometimes speeches intended to have been spoken. I hope there will be no impropriety in publishing a speech which OUGHT to be spoken in Congress." He then delivers a discourse upon the financial situation and advocates a foreign loan. Cf. vol. I., no. 148, note 4 (*A Speech never Intended to be Spoken*). See also no. 385, note 2, *post*.

⁴ See note 2, above, and nos. 180, 183, 208, 234, *post*.

⁵ This appears to mean that, in response to the question required by the resolution, all answered that they had not received such private intelligence. The *Journals* record only the adoption of the resolution, with an elimination of a part of the proposed preamble.

⁶ Cf. the earlier views of James Lovell, who voted aye on this occasion, and those of Henry Laurens, vol. II., nos. 585, 766. Cf. no. 172, *post*.

[163]¹ Dartmouth College Lib., Bartlett Corr., vol. II. ("No. 11").

² Whipple's letter, dated Mar. 23, is in the Bartlett Correspondence. In it he said: "I wish to have your opinion of an additional Tax. You know large sums must be still issued for the support of the Army, which will still sink the Currency unless more is called in by Tax. should such a measure be under consideration I sho'd be happy to know the sentiments of my constituents for the Government of my own Conduct."

29th. Your favor of the 27th Feb'y is just come to hand. the Report of dispatches with proposals of peace etc. is without the least foundation. this is only a Tory Tale calculated to put people off their guard and slaken their exertions in the insuing Campaign.³ I believe I informed you in some of my former letters that the last acco'ts from Europe Breathed nothing but War, Tho' I do not believe they would pursue the plan were it not for the unhappy scituation of our Currency and the Flattering acco'ts they have had of our dissensions, these circumstances encouraged them to try another Campaign: but I hope notwithstanding the many difficulties we have to encounter we have still virtue enough left to withstand their utmost efforts—Indeed I have not a doubt but we shall succeed but still every exertion is necessary to recruit, and put the Army on a respectable footing.

Mr. Frost intends to leave me in about a fortnight I wish to know who is to take his place, also when I may expect to be releived. My anxiety, for the determination of some important matters will induce me to tarry as long as my constitution will bear this climate, but I do not think it possible for me to tarry longer than may.

The last acco'ts from S. Carolina were favorable a recommendation is gone thither for raising some regiments of Blacks this will I suppose lay a foundation for the emancipation of those poor wrechcs in that Country, and I hope be the means of dispensing the Blessings of freedom to all the Human Race in America.⁴

164. WILLIAM WHIPPLE TO JOHN LANGDON.¹

PHILADELPHIA 29th March 1779

My dear Sir

. . . . I am very sorry you declined (or that it was out of your power) to comply with the requisition of this Navy Board; my view in procuring the order was that you might be furnished with a supply of provisions for public service and that the inhabitants in case of necessity might also derive some benefit from the occasion.

The situation of the paper medium is a matter of very serious concern; there is no one, but views it in that light and are sensible of the necessity of a remedy for the evils; but the great difficulty is to persuade

³ Bartlett wrote to Whipple Feb. 27 (Library of Congress, Force Trans., Whipple, p. 627): "Report here says, that the *Mifflin*, privateer that arrived at Boston some time since from France, had brought some important dispatches for Congress, containing proposals of peace and such as could not be rejected by Congress. I heartily wish it may be true as I am tired of the war but doubt the truth of the report."

Again, March 13 (*ibid.*, p. 639) he wrote: "We have reports here which are credited, that Congress have rec'd very interesting and agreeable intelligence from Spain: Common Fame says Alliance, Ships of War and money are offered you, and on the most liberal terms: if it be true this is very agreeable news, but if the pride of the British Tyrant would permit him to offer us peace with Independence etc it would be more agreeable to me: in short I grow perfectly weary of the war; it is enough to make one sick of human nature to think mankind should be such fools, as to distress, wound, maim, kill and destroy one another for no other reason but to gratify the will and pleasure of Tyrants, who will take care to keep in a whole skin themselves." Cf. nos. 212, 444, *post*.

⁴ See the *Journals*, Mar. 29, also nos. 142, 159, *ante*, and 168, 183, 203, 375, *post*.
[164]¹ Library of Congress, Force Trans., Whipple, p. 647; N. Y. Pub. Lib., Bancroft Coll., Langdon-Elwyn Papers (copy of part).

a sufficient number of men to think alike on the subject—this I trust may some time or other be got over and I still feast on hopes that in due time we shall surmount every difficulty. . . .

165. HENRY LAURENS, NOTES OF DEBATES.¹

G. M. absent.

29th March, [1779.]

Mr. M. S., J. P. and W. H. D.² repeated almost verbatim their former words in the opposition. at Length it was intimated to them—

H. L.³ “the danger of refusing to confer—that to appoint a Committee of the Council would convey an affront more gross than a total rejection

that it was to be feared the Council had causes to complain of some deficiencies, some delinquencies on the part of Congress—that Instances might be recollected.

danger of shifting the ground of a dispute.

Gentn. had talked of an offensive Publication by the Council, at the same time confessed they had not seen it, but admitting they had and that each Member had read it, and Congress as Congress had never seen it. The House knew nothing of it in their Parliamentary capacity, and therefore had no ground for conclusions and Resolutions, etc H. L.

the Question put, see Yea and Nay.

It is remarkable, these Gentn. who were extremely eager for quarrelling with the State of Pennsylvania upon a supposed affront by a Publication which they had never seen, were the Men who proposed and carried the Vote for conferring with Silas Deane Esqr. after having had his affrontive Publication of the 5th Decem. laid before them and complained of in a regular Parliamentary course and which they had refused to take under consideration.

Nothing can more clearly demonstrate Party spirit of the most dangerous tendency than this consistency of conduct⁴

166. RICHARD HENRY LEE TO JOHN PAGE.¹

PHILADELPHIA, March 29, 1779.

. . . . 'Tis true the number of privateers that avarice and enmity have equipped from N. York and Bermuda to cruise on our trade is very great indeed. I think by their list they amount to more than eighty. Some Frigates are ordered to clear our Coast of these Rovers, and I hope they will be successful. But the destination of our Frigates ought not to be made public.²

[165]¹ S. C. Hist. Soc., Laurens Papers, Congressional Letters, 1779. This is a continuation of the document printed under March 26, no. 161, *ante*.

² Gouverneur Morris, Meriwether Smith, John Penn, and William Henry Drayton. See no. 161, *ante*, and the *Journals*, Mar. 29.

³ Henry Laurens.

⁴ See, further, the *Journals*, Apr. 1, 3, 12, 15, 28.

[166]¹ Copied from the original, then in possession of Mr. Stan. V. Henkels of Philadelphia.

² A part of the letter is devoted to defending Arthur Lee from accusations connected with the treachery of Hezekiah Ford. An extract pertaining to that subject is in Henkels, *Catalogue*, no. 1074, item 177.

167. JOHN FELL, DIARY.¹

Monday March 29 1779. Com'l Committee Congress. Motion for taking into consideration the Raising Negroes Troops in So. Carolina and Georgia² Repeal of the Resolve relating to the Bahama Islands

Motion for appointing the Committee of Conference, with the Executive Council and Assembly of Pennsylvania. A Motion per Mr. Smith of a very extraordinary nature Respecting himself and the Commercial Committee. Over Ruled.³ Committee appointed to conferr, Mr. Paca, Root, R. H. Lee, S Adams and Mr. Laurens

NB Motion that all the Members of Congress now in Town may be Requested to attend this House at 10 oClock on Morning, to Consult and endeavour to fix a Proper Plan for Raising the Cred't of Our Money. Not Seconded.

Tuesday March 30th. Commercial Committee Congress. A Number of Letters, and one from Mr. Gerrard to hasten the Plan for Treaty.⁴ Agreed to an Ultimatum for the Fishery, which I am afraid will involve us in a Continuance of the Warr. Motion per R H Lee 6 Ays 5 Nos 1 divided 1 not represented NB New Jersey⁵ 6 P M Marine Committee

168. JOHN COLLINS TO THE GOVERNOR OF RHODE ISLAND
(WILLIAM GREENE).¹

PHILADELPHIA March the 30th 1779

Sir

Congress Passd a resolution yesterday in Regard to the behama Islands which you may see in the inclosed paper. on Saterdag they Resolved to Rais 3000 Black Soldiers out of the States of George and South Carolina, and pay one thousand dollers pr head for them. as the State of Rhode Island Raid a Black Regiment the accounts for which I suppose, are not yet Settld I thought it proper to give you this information.²

[167]¹ Library of Congress, Journals and Diaries.

² See no. 159, *ante*.

³ See the *Journals*. Cf. no. 225, note 4, *post*.

⁴ The letter of Gérard is evidently that found in Papers Cont. Cong., no. 94, f. 148, and dated Mar. 31 (printed in Wharton, *Rev. Dipl. Corr.*, III. 106). The original, though plainly dated March 31, bears the endorsement by Thomson, "Letter from M. Gerard minister plenipotentiary of France March 30. 1779 read the same day". In the Laurens Papers, in the South Carolina Historical Society (vol. XXVI.), is a copy in Laurens's writing, to which he has appended the following remarks:

"Directed to the President of Congress, Read in Congress 31st March, 1779. Very displeasing to some of the Members, and laid by without debate or any order on it." Laurens also endorsed the document: "Mr. Gerard to Congress 31st March 1779 an Insult sought for and invited by Members of Congress." Cf. the memorial of Mar. 17 (Wharton, *Rev. Dipl. Corr.*, III. 85). There were further insistent memorials of similar purport May 6, 22, 27 (*ibid.*, pp. 156, 175, 194). Cf. nos. 103, 143, *ante*, 225, *post*.

⁵ This indicates that the last vote of Mar. 24 according to the *Journals* was actually taken Mar. 30. Cf. the note under Spencer in List of Members, also no. 256, *post*.

[168]¹ R. I. Arch., Letters to the Governors; Staples, *R. I. in Cont. Cong.*, p. 216.

² See the *Journals*, Mar. 29; cf. *ibid.*, Apr. 3 (report of the board of war, p. 417). See also nos. 142, 163, *ante*, nos. 203, 375, *post*, and the delegates of Rhode Island to the governor, Sept. 28, in Staples, *R. I. in Cont. Cong.*, p. 251.

169. WILLIAM ELLERY TO JOHN SULLIVAN.¹

PHILADELPHIA March 30th 1779

Dear Sir,

I received your letter of the 28th February last with Genl. Prescott's certificate. I am satisfied, from the wording of it, that neither Crossing nor Corey were, properly speaking, commissioned-officers of the Crown of Great-Britain at the time they were employed in the maroding, kidnapping Business for which they have been sentenced to die by the judgment of a Court martial.² The Question with me is not what kind of powers those powers were, which they received, and were lodged in the possession of Genl. Prescott; nor why they were so lodged; nor how they have been always consider'd. The plain Question is whether they are commissioned Officers of the Crown of Great Britain in the same sense and to every intent [and] purpose as other British Captains and Lieuts. are? As I have already said I am satisfied they are not. I imagine their future commissions depended upon circumstances which had not taken place at the time they undertook their expedition. I do not mean to argue on this subject. They have escaped, and I imagin[e] will neither be retaken or returned. Suppose the Sentence of the Court martial should be confirmed: Do you think General Prescott will deliver them up to be executed? I should think not. If they have got to the Island they will abide there, at least until the determination of Congress shall be known; and when this will be I know not,³ for great and important matters are now on the tapis.

I read that part of your former letter which respected money matters to some of the members of the Treasury board, who told me that not long before a considerable Sum had been transmitted to the Paymaster. I made out an extract from the letter I am now answering and deliver'd it to the Treasury board, which produced Money sufficient I hope to answer the present exigencies of the detachment, two or three days before the arrival of the Paymaster.⁴ I believe it would be well hereafter that He should write to the Treasury board, at the same time you write to them and point out the Sum wanted and for what purposes. I shall always with great cheerfulness execute your requests. . . .⁵

[169]¹ Harvard Univ. Lib., Sparks MSS., no. 49, vol. III., f. 98 (original).

² See the *Journals*, Jan. 4, and nos. 11, 52, *ante*. Among those named in the court martial transmitted by Sullivan were three men, whose names are first set down as Gideon, Francis, and John Coree; subsequently in the same document the name is spelled Corey. The one here referred to was Francis Corey, as the other two were recommended for a commutation of sentence. In General Prescott's letters to Sullivan Dec. 23 and 25 he speaks of these men as Captain Crossing (in the first letter the name appears as "Croison") and Lieutenant Corey of the Loyal New England Regiment (Papers Cont. Cong., no. 160, ff. 235-237, copies).

³ No further record of the matter has been found in the *Journals*.

⁴ See no. 173, *post*.

⁵ The letter is endorsed: "Letter from Mr. Ellery to General Sullivan Open'd by order by Gen: Glover dated Philadelphia 30th March 1779."

170. THE MARYLAND DELEGATES TO THE GOVERNOR OF MARYLAND
(THOMAS JOHNSON, JR.).¹

Sir,

We are to acknowledge the Receipt of your Excellency's Favor with its Inclosures, to all which we shall pay due Regard.² I hope in a few Days to be able to give you the Information respecting the Commissary's Department which you and the Council desire. in the mean Time we have the Honor to be with great Regard Sir Yr most obt hble Servants

GEO. PLATER

J. HENRY JUNR.

PHILADELPHIA March 30th 1779.

171. CHARLES THOMSON, MEMORANDUM.¹

[March 30? 1779.]

farther evidence in support of the charges 2 ch. agst. Deane

Copy of a letter from J Thornton dated Paris Feby 1778 offered by Mr Laurens

Copy of a letter from J. Williams Nantes March 26 1778 to Mr Deane, offered by Mr R H Lee

A letter of 26 Feby 1779 from William Aylett to Mr R H Lee, offered by Mr R H Lee

A copy of the sums of money paid by the public banker to Will'm Hodge [offered] by Mr R H Lee.

[Endorsed in the writing of Thomson:]

farther evidence offered in support of the charges against Mr Deane by Mr Laurens and Mr R H Lee viz J Williams letter to Mr Deane March 26, 1778²

172. JOHN FELL, DIARY.¹

Wednesday March 31st 1779. Commercial Committee Congress. A Letter from Thos. Payne Read A do. from Govr. Trumbull, to settle his Brother accots. Committee on Commissary Trumbulls accts. Reported that his Estate be Allow'd as follows to wit

½ Per Ct. on all the Moneys laid out, Yas and Nas carr'd affirmative

2½ Per Ct. on all Purchases made by himself do. do.

½ Per Ct. on all the Money lay'd out. do. even Lost.

[170]¹ Md. Hist. Soc., Red Book, V. 12.

² The letter, dated Mar. 26, is in *Arch. of Md.*, XXI. 328. The principal enclosure was an act of the assembly relative to the purchase of flour for the army.

[171]¹ Library of Congress, U. S. Revolution.

² A schedule of charges is set down in the *Journals* under March 24, and this addition must have been made by Thomson shortly afterward. It is placed conjecturally under March 30, for the reason that on that date Richard Henry Lee presented to Congress an extract of a letter from William Aylett dated Feb. 26, and it is assumed that the letter of that date mentioned in the memorandum was doubtless received by Lee at the same time. Aylett's letter referred to in the memorandum is in the Library of Congress U. S. R., and a copy, in the writing of Henry Laurens, is among the Laurens Papers in the South Carolina Historical Society. It is in reply to a letter from Lee dated Feb. 7, and relates to the testimony of Mr. Bromfield. See *Letters of Richard Henry Lee*, II. 9 n. Concerning the letter of Jonathan Williams, see *ibid.*, p. 8 and *passim*.

[172]¹ Library of Congress, Journals and Diaries.

not finish'd Motion made per Mr. Smith that Mr. [blank] be appointed Printer for the Public and that the Journals be Printed in Sheets and sent to the Legislatures of the different States² Dr. Wetherspoon³

173. THE BOARD OF TREASURY TO JOHN SULLIVAN.¹

PHILADELPHIA 31st March 1779

Sir

No application has been made to the Treasury nor to our knowledge to Congress for money to pay the Army under your command untill the honorable Mr Ellery presented us with an Extract from your Letter to Him.² In that Extract no sum was specified: as it came to hand at a time when from a multitude of Drafts the Treasury was exhausted: This Board however did all in their Power to relieve your necessities by procuring an estimate of your wants from the Board of War and reporting a warrant for 600,000 dollars to be transmitted by that Board, which will we presume be done in a little time, as every possible exertion is making for supplying the Army.

We have the honor to be with great respect Sir

Your Most Obedient Humble Serts.

JAS. DUANE Ch.

In the Name of the Board of Treasury

P. S. The information from Mr. Ellery was received by us the 19th Instant, an immediate application was made to the Board of War for an estimate of your wants, on the 22d we reported to Congress and on the 24th a Warrant Issued on the Treasurer for the sum above mentioned.³

174. A COMMITTEE OF CONGRESS TO JEREMIAH WADSWORTH.¹

PHILADA. 1st April 1779

Sir,

It is utterly impracticable for us to do our Duty to the Public while we remain so entirely in the dark as to the Stock of Provisions which you

² See the *Journals*, Mar. 27, 31, and no. 162, *ante*. In the *Pennsylvania Packet* of Apr. 20 is a communication from "A Friend", furnishing the *Packet* with a copy of Thomas Paine's letter of Mar. 30 (see the *Journals*), and maintaining that this letter gave rise to the resolution to publish the proceedings weekly. Cf. no. 221, *post*. Paine's letter may be found in N. Y. Hist. Soc., *Collections: Deane Papers*, III. 410. He repeats, somewhat arrogantly, a request which he says he had made on the 19th for a copy of the proceedings against him January 2 to 16, and grumbles particularly at the action of Congress Jan. 12 and Jay's letter to Gerard Jan. 13 (no. 35, *ante*). "Congress have published their judgment", he says, "in a Resolution of Janry. 12th and I have a right to know the proceedings. That Resolution is prefaced in the *Pennsylvania Packet* with a letter signed 'John Jay'; yet as far as I have a right to know, that letter may be spurious; for as I have never been wanting in any duty I could perform, or service I could render, to America or her allies, I ought not to believe that the Honorable President of Congress would address a letter to the Minister of France, which by a very close laid Implication holds me up as deserving the 'Indignation and resentment of both Countries'" (see no. 35, *ante*). For a supplementary communication on the same subject, see no. 180, note 3, *post*.

³ "Dr. Wetherspoon" is written in the margin. The purpose of the entry was no doubt to record Witherspoon's attendance this day. His name, though absent from the earlier votes of the day, appears in the later ones.

[173]¹ N. Y. Hist. Soc., Gates Papers, XIV. 315.

² See no. 169, *ante*.

³ This refers presumably to the warrant ordered Mar. 24 in favor of Joseph Carleton.

[174]¹ Conn. Hist. Soc., Jeremiah Wadsworth Papers (copy).

have on hand. We are therefore to insist that you comply with an Order of the Board of War of this day to send a Return as soon as possible. If you cannot make it compleat let it be as nearly so as Possible and order your several Deputies to send us forthwith Returns of their Stock and of their Contracts which we will lay before the Board of War to make out your Returns. I shall be glad that you will also inform us what orders you have to lay up Provisions in Magazine and what Quantities likewise the Demand for the use of the Army and Posts where no special Orders are given.

By order of the Committee ²

GOUVR MORRIS

Col. Wadsworth Com'y Genl. of Purchases.

175. THE MASSACHUSETTS DELEGATES TO THE PRESIDENT OF THE MASSACHUSETTS COUNCIL (JEREMIAH POWELL).¹

Sir

PHILADELPHIA April 1st 1779

We had the Honor of receiving by the Hands of Nathaniel Gorham Esqr. and others, a Committee of the General Court, your Letter of the 1st of March.² Congress had before considered the Subject of it and come into Resolutions which we forwarded to you in Season.³ If any Thing further can be done for the Relief of the Inhabitants of Massachusetts Bay from the Distress they are under from Want of Bread, the Honble. Assembly may rely upon our utmost Exertions. We have also received another Letter by Express inclosing a Resolution of the Assembly relating to the Necessity of ascertaining the Powers of foreign Consuls in the American Ports. This we immediately laid before Congress and the Matter is under the Consideration of a Committee.⁴ . . .

We are with Sentiments of Duty and Regard to the General Assembly
Sir

Your most humble Servants

SAMUEL ADAMS

E. GERRY

JAMES LOVELL

S. HOLTEN

² The committee on the commissary and quartermaster departments. See vol. III., nos. 609, 620; also no. 44, *ante*.

[175]¹ Mass. Arch., CC. 377 (in the writing of James Lovell, with autograph signatures); N. Y. Pub. Lib., Samuel Adams Papers (draft); *Writings of Samuel Adams* (ed. Cushing), IV. 145.

² See the *Journals*, Feb. 26.

³ The matter was referred, Mar. 30, to the marine committee, which reported June 7. On that day a committee was appointed to prepare an agreement with the French minister, who presented to Congress, June 23, a memorial on the subject (see Wharton, *Rev. Dipl. Corr.*, III. 228). Aug. 26 the committee (Laurens, Samuel Adams, and Dickinson) was increased by the addition of Thomas McKean. Meanwhile the Holker affair had arisen and been adjusted (see nos. 445, 447, 455, 487, note 2, *post*). It does not appear that this committee ever made a report. July 26, 1781, the French minister, Luzerne, submitted to Congress the draft of a consular convention, which was under consideration of Congress for six months, a convention being finally agreed to Jan. 25, 1782. See the *Journals*, July 27, Aug. 9, 23, 28 (pp. 914, 916), 31, Oct. 15, 1781, and Jan. 9, 21, 25, 1782.

⁴ Samuel Holten records in his Diary, under Mar. 26: "Mr. Gorham, Mr. Wales and Mr. Inches a committee from the General Court of Massa. Bay arrived here." The entry in his Diary for Apr 1 is: "The coms. from Massa. Bay set out home. I wrote with my colleagues to the court. I rode out." (*Essex Inst. Hist. Colls.*, LV. 253.)

176. JOHN FELL, DIARY.¹

Thursday April 1st 1779. Com'l Committee Congress. Letter from Genl. Washington. Do. from Leivt. Coll. Zedwitz Referrd to the Board of Warr. Letter from Lt. Govr. and Speaker of the Assembly of New York to Raise 1000 Men for a Western Expedit[i]on against the Indians agreed. Memorial from A Edwards, to Join the Southern Army. B'd of Warr. Leivt. Coll. Bradford and Lt. Col [Yeates]² Muster Masters have leave to Resign and nominated H Rutgars Esqr. and [blank] in their Room. Report from the Board of Warr to appoint a Clothier General with a Sallery of 10,000 Doll's per annum to have 12 Rations, and forrege for 3 Horses. Postponed Governor Trumbulls Proposal for taking Sailsbury [sic] Iron Works, not agreed to. Mr. Whiting to be Paid his Expences per the Treasury Board.

Report from the Treasury Board for an Emission of 5,000160 D's Mr. Paca informd Congress of what Pasd at the Conference with President Reed Accounts from New York say they have taken to So[uth]-ward Genl. Egbert, Coll. McIntosh, 33 Officers, 300 Prisoners 300 Field and 7 Peices Cannon. NB Marine Committee did not meet

Friday April 2d. Commercial Committee This being Good Fryday, Congress met an[d] adjourn'd. NB. Marine Committee did not make a Board.

177. THE NORTH CAROLINA DELEGATES TO THE SOUTH CAROLINA DELEGATES.¹(No. 1)²

Gentlemen,

Considering that your State is always deemed so feeble in internal Strength and resources, that her defense when attacked must chiefly be performed by the Neighboring States, and must fall more immediately on North Carolina from her circumstances and contiguos situation.

Considering also that a Question now before Congress involves the continuance of hostilities, even tho' our Liberty sovereignty and Independence, absolute and unlimited, as well in matters of Government as Commerce shall be acknowledged and secured, unless Great Britain will acknowledge a right of fishing on all Banks and Coasts of North America which were exclusively reserved to Britain by the Treaties of Utrecht and Paris, as fully as the Inhabitants of the Countries now Composing the United States of North America enjoyed when Subjects of Great Britain: a right which we deem more extensive than can with

[176]¹ Library of Congress, Journals and Diaries.

² Inserted in pencil, but not in Fell's writing.

[177]¹ S. C. Hist. Soc., Laurens Papers, Promiscuous Letters, vol. XXVIII., no. 14 (in the writing of Laurens).

² This correspondence, primarily between the delegates of North Carolina and the delegates of South Carolina, continuing from Apr. 2 to Apr. 8, originated in the action of Congress, Mar. 22, 24, in making the Newfoundland fisheries an ultimatum in the negotiations for peace (see nos. 151-153, *ante*), together with the resolutions relative to the defense of South Carolina and Georgia (see no. 178, note 3, *post*). The other letters in the correspondence are nos. 178, 181, 184, 185, 186, 187, 195, 196, *post*. See also nos. 255, 256, 269, 270, *post*.

Justice be insisted on, and which our Allies by their engagements are not bound to assist as in contending for, and which the Minister Plenipotentiary of France assures us his Court cannot agree to continue the War for.

Considering also that in a late Vote upon the Question attended to Mr. Laurens one of the Delegates from your State gave his voice 'for continuing hostilities for the aforesaid object, even tho' our allies should not be in a condition to assist us, from which we infer, that he relies on a degree of strength and resources in your state which is unknown to us, or on a mistaken Idea of the strength and resources of North Carolina. His long experience, and intimate knowledge of his own County induce us readily to admit the former as the ground of his opinion. But we esteem it our duty to inform you that in case of the continuance of the War for the aforesaid object North Carolina is not in a condition to make any exertions for the defense of South Carolina, nor do we believe she will be inclined to make any.

We beg you to consider that in the event of a continuance of the War, your Country will probably experience all the calamities, which can be apprehended from an Insolent, relentless, irritated and rapacious Enemy, from your own Slaves armed against their former Masters, from the Savages excited to more bloody and merciless dispositions and conducted by leaders who have inclination and abilities to make their force and ferocity as effectual against you as possible.

Upon general matters we would not presume to lay our thoughts thus before you; how inadequate the resources of the Continent are to a continuance of War without allies, and what must most probably be the event we suggest not to you, your participation in the public Councils make it unnecessary and improper; but when a matter so supremely Interesting and which so peculiarly affects the Lives and properties of the States which you and we have the honor to represent, in which may be involved, desolation to our Countries and the most unbounded ravage and Carnage to their Inhabitants of all Ages and Sexes, and which may fall with peculiar weight and injury on the State we represent, upon such a matter we cannot dispense with offering you this Official memorial, and we hope you will consider our expostulation as flowing from the anxious concern we feel for our Country and that it will have with you its due weight.

We enclose a Copy of a Letter which we mean to address to the Governor of our State.³ we wish the conduct of your delegates on this important affair may supersede the necessity we deem ourselves under of sending it forward.

We have the honor to be Gentlemen

Your very obedt Servants

J. PENN
WHITMELL HILL.
THO BURKE.

A true Copy carefully compared and examined with the original, which I believe to be in the handwriting of one of the signers J. Penn

JAMES LOVELL.

³ The letter next following (no. 178).

[Memoranda by Henry Laurens:]

Neither of these Letters dated. they were brought from the Presidents House by one of his servants, to mine, Friday 2nd April 1779. I informed Mr. Penn and also Mr. Burke I would consider and answer them on Monday the 5th or sooner if possible.

Answered the 4th having in the mean time been fully employed in Congress and in Committees.

The Honble. Henry Laurens and Wm. H. Drayton Delegates for South Carolina.

178. THE NORTH CAROLINA DELEGATES TO THE GOVERNOR OF
NORTH CAROLINA (RICHARD CASWELL).¹
(No. 2)²

[April 2, 1779.]

Sir,

Altho' the Congress a few days ago have passed several Resolutions³ stating the situation of South Carolina and Georgia to be such, that they are incapable of any adequate efforts for their own defense, and recommending to Virginia and North Carolina to make every further possible effort to raise forces for their assistance, and altho, it appears exceedingly clear, that no succors can be sent to them from the Main Army, or any other state, and altho we have been since the beginning of the War, very much harrassed with efforts for our Southern Neighbors, under an Idea that they were internally too weak for their own defense, yet Sir, a late Vote in Congress has inclined us to believe, that our Country has been very much mistaken.

Mr. Laurens who from his long experience and intimate knowledge of South Carolina, for which he is a Delegate, must have the clearest and most adequate Ideas of her strength and resources, has not scrupled to vote, that no Peace shall be made with Great Britain even should our Independence be secured in the most unlimited manner, unless the latter will acknowledge to the United States the right of fishing everywhere on the Banks and Coasts of North America, where France has no right, in as extensive a manner as when connected with the British Empire, altho' this includes not only all the Banks and Coasts of the United States, but also, all that extend from the limits of these States, as far as Britain has dominions or claims; He has voted also, that, even if our Allies shou'd not be in a condition to assist us in carrying on the War, yet we shall not make Peace without the above Concession. Under the Ideas we always had, and which the Delegates from that State so very lately taught us to entertain of her weakness, we cannot account for such a vote. To prolong the War in which his Country if defenceless, as she has been represented,

[178]¹ S. C. Hist. Soc., Laurens Papers, Promiscuous Letters, vol. XXVIII, no. 15 (in the writing of Laurens).

² See no. 177, and note 2, *ante*. It does not appear that this letter was actually sent. See no. 184, *post*.

³ See the *Journals*, Mar. 29; *cf. ibid.*, Jan. 22, 30, Feb. 2, Apr. 10, 13, 17, May 7, July 12. *Cf.* no. 311, *post*.

must be exposed to constant ravages and horrors, appears to us inconsistent with good sense or humanity. We therefore conclude that his Country is strong and powerful in resources, which are unknown to us, and that confident of this, he defies all these difficulties which arise from our decayed and almost annihilated Finances, our ruined Commerce, our want of manufactures, our obstructed agriculture, our wasted forces, and our slaughtered fellow Citizens, from our want of resources of Men, Arms, ammunition provisions or equipments, difficulties which appear to us almost ready to overwhelm our exhausted Country.

Deeply regretting the many Evils to which our own particular State is exposed by her frequent efforts, for the defense of her southern Neighbors, and by no means willing to continue or increase them by new efforts, which may not be absolutely necessary, and persuaded from the above Vote of Mr. Laurens that the strength and resources of S. Carolina must be equal to exertions necessary for carrying on the War, independent of our ally, even for objects not immediately necessary. to the whole, and but remotely if at all interesting to her; under the pressure of all these considerations we venture to suggest to you, Sir, that, any further exertion of our State may be very well dispensed with.

It is well known to you, Sir, that our State is in no Condition to make unnecessary exertions, that she is not able to carry on the War for objects which are not absolutely necessary, that her exertions for what are essentially necessary, have already exhausted and distressed her exceedingly.

We hope that you will concur with us, in opinion that our Militia may return home as soon as may be, and that no more Battalions should be raised in our State for the purpose of being sent thither.

We were not surprised on this occasion to see the New England States vote for the proposition above mentioned. The object is to them peculiarly important, their Country from its situation and strength is secured in a great measure from the danger of ravages to which the Southern States from contrary circumstances are exposed, and nothing but a conviction of our being unable to carry on the War without the assistance of our Allies, who by their engagements are not bound to assist us in obtaining it, could induce us to decline it. But we were much surprised to see Pennsylvania and Delaware vote for it, who of all the States are most injured by the War, and are as little as any Interested in Fisheries. the Improved state of Agriculture and the more flourishing circumstances of those States have made them the objects more immediately of military operations. Their Commerce which in Peace is exceedingly flourishing is entirely ruined by the War, their Husbandmen are harrassed with military services, their agriculture much decayed and their frontiers wasted or deserted. The necessaries of life at the most enormous prices, and a considerable part of their Country desolate and in ruins, yet those States thus circumstanced vote for the continuing of the War, without Men, Money, Arms clothing or provisions! This must be infatuation or something worse. 'Tis time, Sir, for every State not thus extravagant to reserve her exertions for her own particular defense.

We thought it our duty to give Your Excellency the above information, relying on your good sense that you will make such a use of this Letter as its importance deserves. We have the honor to be with the greatest Respect

Your Excellency's Most obedt. hble Servts.

JOHN PENN
WHITMELL HILL.
THOS. BURKE

A true Copy carefully compared and examined with the Original, which I believe to be in the handwriting of one of the Signers John Penn.

JAMES LOVELL

179. SAMUEL HOLTEN, DIARY.¹

[Apr. 2, 3, 1779.]

2. Congress met, but it being what is called good friday, Congress adjourned without doing business.

3. Congress sit late. I rode out with the Hon. Mr. Gerry and Mr. Whipple.

180. JOHN FELL, DIARY.¹

[April 3, 1779.]

Saturday April 3d Commercial Committee Congress. Letter from Commissary General of Prisoners to Exchange Lievt. Hale.² Letter from Capt. Willing to be Exchangd Refer'd to the Marine Committee. Board of Warr Recommend Lt. Col Fleury and 3 others to a gratuity of 1000, 600, 500 and 400 Doll's not allowd Motion for taking in to consideration the Report of the Committee on foreign affairs on Tuesday next in consequence of a Letter from Mr. Deane. Board of Warr Reported that 12 Commissions be sent to Major Genl. Schuyler for the friendly Indians agreed. An Inspector to be appointed for the Batalions of Negroes to be Raisd in South Carolina and Georgia. No. A very impertinent Letter from Thos. Payne stileing himself Historian—ordered to lay on the Table.³ Committee appointed to conferr with a Com-

[179]¹ *Essex Inst. Hist. Colls.*, LV. 254.

[180]¹ Library of Congress, Journals and Diaries.

² Lieut. Christopher Hele. See no. 34, note 2, *ante*.

³ Paine's letter of Apr. 3 is mainly a reiteration of his contention of Mar. 30 (see no. 172, *ante*). "I admit" he says, "the right of Congress to have dismissed, or suspended me without assigning any reason, or affording any hearing But I deny the right of Congress to pass Censure without a hearing, because Censure is a judgment supposed to proceed from a comparison of Evidence and reasons for and against." "The Resolution of Jan'y 12th", he continues, "directs the President to inform the Minister of France of their disavowal of my publications. . . . The Resolution likewise directs the President to disapprove, which is a Matter of State Convenience . . . but the Resolution nowhere directs the President to inform and publish a judgment of *Motives* which induced me to make those publications, yet the letter signed *John Jay* of Jan'y. 13th addressed to the Hon'ble *Sieur Girard*, after repeating the *full extent* of the Resolutions, adds, 'Nor have I the least doubt but that every *attempt* to injure the Reputation of either or impair their mutual Confidence, will meet with the *Indignation and Resentment of both*'.

"Therefore in addition to my application for the papers etc. I humbly beg Congress to inform me whether the extra Judicial Sentiment in the letter is the Sentiment of Congress applied to me as one who deserves the Indignation and Resentment of both Countries."

mittee of the Assembly and a Committee of the Executive Council of the State of Pennsylvania. Reported that they had finished the Conferrance. (Happily) and that they had 4 different charges against Major General Arnold, which the Commander in Chief is directed to have try'd by a Court Martial vizt. for an abuse in ordering the Shops of this City to be Shut, for sending a Malitia Sargant for a Barber for his Aid for Employing the Public Waggons for Private use for [blank]⁴

181. HENRY LAURENS TO WILLIAM HENRY DRAYTON.¹
(No. 3)²

Dear Sir

CHESTNUT STREET, PHILADELPHIA, 3 April, 1779

You will find under cover with this, *the Letter* from the Delegates of North Carolina to the Delegates of South Carolina, and also their Address to Governor Caswell respecting and animadverting [upon] my conduct in Congress. You had some knowledge of these Letters before we read them yesterday morning, therefore I request you will honor me with an explicit and candid opinion on the propriety of the measure which North Carolina has adopted on this occasion. if you Sir, approve of their proceeding I shall be glad of a conference with you on the important Subjects alluded to.

I am open to conviction, and will change my late sentiments when reasons shall be offered outweighing those which influenced the vote on my part which has given offence to the Representatives of a Neighbouring State

As the first mentioned Letter although directed to us jointly, respects only myself, you will be pleased to return it to me when you shall have again perused it, the other Letter you will send or deliver to the Gentlemen of North Carolina, or enable me to do so by transmitting it to, Sir,

Your Most Obedient Humble Servant

H. L.

The Honble. W. H. Drayton, Esqr.

At one point in the letter Paine remarks: "It is my design to furnish the United States with a History of the Revolution, and it is as necessary that my Character should stand fair as that of any Member of this Hon'ble House. Neither can I suffer a blemish to be thrown on me which I am conscious I do not deserve, or desire a defection to be concealed which I can be proved guilty of."

In September following Paine was stirred once more to a disquisition upon the matter (*Pennsylvania Packet*, Sept. 14). The article may be found in N. Y. Hist. Soc., *Collections: Deane Papers*, IV. 91; the articles which gave rise to it are at pp. 83-87. Cf. nos. 221, 501, *post*.

⁴ The committee's report is found in the *Journals* under Mar. 17, but was not acted upon until Apr. 3. Cf. the *Journals*, Apr. 14, 15, and nos. 58, 95, 143, 162, *ante*, 183, 208, 234, *post*. The "eight specific charges" mentioned in the report are in a resolution of the Pennsylvania council Apr. 3, and may be seen in the *Trial of Arnold*, pp. 4 *et seq.*, and I. N. Arnold, *Benedict Arnold*, p. 243. The missing charge in Fell's record is number 1 in the list, and relates to the permit given to the *Charming Nancy*, a vessel belonging to persons said to be disaffected to the United States, to come into port.

For some reason which is not apparent President Jay did not transmit the mollifying resolutions of Apr. 3 to the president of Pennsylvania until Apr. 13. See *Pa. Arch.*, first ser., VII. 312, 313.

Fell's entry for Sunday, Apr. 4, is merely, "Warm Rain".

[181]¹ S. C. Hist. Soc., Laurens Papers, Promiscuous Letters, vol. XXVIII, no. 16; Univ. Va. Lib., Lee Papers (copy); Collection of the late Adrian H. Joline, New York (copy). The copies are all in the writing of Moses Young, Laurens's secretary.

² See nos. 177, 178, *ante*, and no. 184, *post*.

182. HENRY LAURENS TO JOHN LAURENS.¹

PHILADELPHIA 3d April 1779.

My Dear Son,

From you yesterday I went immediately to the important Committee appointed to confer with the State of Pennsylvania. I did not get to Bed till $\frac{1}{4}$ past one this Morning, this being the third successive break upon my Rule of life, I feel this Morning as if my life was breaking.

Were I to attempt to write to Mr. Gervais or to you fully on the subject which occupies your Mind James² would not get away these three hours I shall therefore in a few words authorise you to do every thing respecting my Negroes that Mr. Gervais and your self shall coincide in. I shall write by a Public Messenger on Monday who will probably overtake you in eight or ten days.

My Compliments to Capt McQueen³ assure him of my best wishes in every thing that respects his honor and happiness, I have written as he desired to Governor Rutledge

My Dear Son I pray God to bless and protect you

HENRY LAURENS.

take great care of this News Pa[per] for Mr Gervais

183. JOHN ARMSTRONG TO HORATIO GATES.¹

PHILADA. 3d April 1779

Dear General

. . . . The great depreciation of our Money is truly allarming, a subject that must again be immediately taken up.² That of the Army has also long called for farther consideration. These three topicks³ require equal dispatch, yet have their constant interruptions not only from the daily dispatches on one branch or another of the publick busines, but also from the spurious sources of Pride, Ambition or intrigue for one purpose or another, whereby animosities, divisions and destruction of time must ensue—so that compared to Congress in it's present attitude, I call the Army a Bed of ease, a Pillow of Down. General Arnolds affairs with the Civil powers of this state, has lost much of the Publick time, when half a dozen of polite or wise words, or a short plain and candid answer to the Supreme Council (authorized by Congress as they were to ask the questions) wou'd have prevented the whole at first. This disagreeable matter tending to interrupt the necessary harmony betwixt Congress and

[182]¹ L. I. Hist. Soc., Laurens Papers.

² Presumably James Custer, an employee of Laurens. It was by his hand principally that Laurens's letters were during the earlier months of his presidency copied into the letter-book. Cf. nos. 504, 510, *post*. See also Wallace, *Life of Laurens*, p. 62 n.

³ See no. 142, *ante*.

[183]¹ N. Y. Hist. Soc., Gates Papers, XIV. 323.

² Elias Boudinot, sometime commissary-general of prisoners, and recently a delegate in Congress from New Jersey, who was then in Philadelphia endeavoring to obtain a settlement of some accounts, wrote to his brother, Elisha Boudinot, Apr. 1: "God only knows where the depretiation of our money will End. I am racking my Brain upon a Plan to be laid before C— for appretiating it, which I have vanity to hope will answer a valuable Purpose" (Hist. Soc. of Pa., Dreer Coll., Members of the Old Congress, I. 47). Just what hand Boudinot had in shaping the measures presented to Congress is not known. See the *Journals*, Apr. 13, 22, 27. Cf. no. 540, *post*.

³ The first part of the letter discusses foreign relations.

this important state is I trust chiefly settled by means of a free conference requested by the Assembly and held betwixt a Committee of Congress and one formed out the assembly and Council of the state, in which for the publicks sake, the Council generously gave up what they had considered as an insult agst. them. some other matters are refered to a Court Martial, to be appointed by the Commander in Chief.⁴ Mr. Dean is now Urgeing a final determination on his affairs, which I apprehend will prove vexatious. Common sense⁵ if permitted has lately challenged him (Dean) to the Bar of Congress and that the doors be Open. Open doors will not be allowed, yet perhaps both may be heard. Poor Pane, not the most prudent man in the world, is execrated by a number and much out of the books of Congress, yet has most certainly brought various things neither reputable nor salutary in our affairs, at least to a probable point of view, which otherwise wou'd have remain'd dormant. We must also have a sudden struggle on the point of sending new Commissioners to Europe; some are for recalling the whole that are there, others not, nor is it improbable that some may wish to be sent from hence, who will not have the general suffrage of the House.⁶ Congress have passed a resolve to raise and emansipate three thousand negroes in S. Carolina and Georgia, pay feed and cloath them during the war. The proprietors to have from Congress 1000 dollars for each Negroe—also to raise more troops in N: Carolina and Virginia for the southern aid. a Regiment of Horse I presume Blands or Bailors will also be sent and if in servise will soon be melted down. The affair of the blacks is optional and submitted to the Govt. of S: Carolina. it was moved by their own delegates. Young Coll Laurens is appointed the first Lt. Coll of the blacks which I consider as a noble proposal in that young Gentleman.⁷ You have seen the generous lead taken by the Assembly of Pennsa. in allowing aid in cloathing etc. and half pay during life to the officers of their line. I wished this measure to have taken its rise in Congress, but that Body have lost the hon'r of it, yet must every state in my opinion now come into it. Two Excursions or Expeditions if you will I believe are intended, Northward and Westward, but the particular objects etc. are yet secrets to me, the General being gone out of Town before I arrived—The Seneca Indians etc. and perhaps Niagarra I fancy to the North, and Detroit to the West.⁸ this last I predicted against last year, nor are my

⁴ The affair appears to have been brought up in Congress Jan. 26, through a letter of Joseph Reed, governor of Pennsylvania, dated Jan. 25. See, further, the *Journals*, Feb. 15, 16, Mar. 17, 27, Apr. 1, 3, 15, 16, 28; also nos. 58, 95, 143, 162, 180, *ante*, and nos. 198, 208, 234, *post*.

⁵ That is, Thomas Paine, author of the pamphlet *Common Sense*, and more recently of some articles concerning the Deane affair. See the *Journals*, Jan. 6, 7, 8, 11, 12, 16, and nos. 7-12, 18, 87, 148, *ante*.

⁶ See the *Journals*, Apr. 15, 20, 21, 22, 26, 30, May 3, and *passim* (index, Foreign Affairs, Ministers).

⁷ See nos. 142, 159, 163, 168, *ante*, 203, 375, *post*.

⁸ With regard to the expedition against the Senecas, see the *Journals*, Apr. 1. Cf. nos. 260, 294, *post*. These expeditions were among the matters considered by Washington and the committee of conference (see no. 25, note 2, *ante*), and preparations for them were at this time being made by Washington. An expedition specifically against the Senecas was assigned to Col. Daniel Brodhead (see Washington to Brodhead Mar. 22, Apr. 21, *Writings*, ed. Ford, VII. 372, ed. Sparks, VI. 205, 224), and one against the Six Nations to General Sullivan (see Washington to Sullivan May 31, *ibid.*, p. 264, ed. Ford, VII. 460).

eyes much clearer yet. I don't think the object adequate at present to the certain expence etc. . . .

Nothing from you has yet appeared in Congress. if any thing hereafter shou'd, convinced as I am you will ask nothing incongruous to reason and the publick good, I shall with pleasure contribute to your wishes. the present I consider as an unfavorable moment to ask any thing that can be omitted. We are deluged in business and other impediments, which at present require a friendly and political Vail. All the members even of your state, do not put up their Horses in the same stable. . . .

184. WILLIAM HENRY DRAYTON TO HENRY LAURENS.¹
(No. 4)²

Sir,

Your letter of yesterday, was delivered to me, too late last night to be considered and answered before this morning. You do me the honor to request my explicit and candid opinion on the propriety of the measures which North Carolina has adopted, in consequence of your Vote in the affair of the Fishery: but, as the subject is new, of high importance, and you are well able to form a judgment, I beg leave to decline giving an opinion which there is no necessity I should hazard.

As to a change of your late sentiments upon the fishery, I cannot presume to expect it from any thing I can say. The subject was so fully handled in Congress, that there is nothing new to be said upon it: and it was with concern that I found the arguments in the negative did not, with you, outweigh those reasons which influenced you to support the affirmative. I return the letter to us jointly, as you desire. I shall to the Delegates of North Carolina present the copy of their letter to their Governor. And, I beg leave to add, that yesterday I answered, on my part, the official memorial, ardently requesting that the Delegates of North Carolina would not send their intended letter to their Governor; and assuring them, that South Carolina when attacked as she now is, absolutely stands in need of the Sisterly aid of North Carolina, and that in a powerful degree.

I am Sir,

Your most obedient humble Servant,

WM. H'Y DRAYTON

PHILADELPHIA, April 4, 1779.

The Honorable Henry Laurens Esqr.

[Endorsed:]

Wm. H'y Drayton Esqr. 4th April 1779 Recd. and answered the same day.

[184]¹ Haverford College, Roberts Coll., 732; S. C. Hist. Soc., Laurens Papers, Promiscuous Letters, vol. XXVIII., no. 16 (copy); Collection of the late Adrian H. Joline of New York (copy); Univ. Va. Lib., Lee Papers (copy). These copies are all in the writing of Moses Young.

² The number is not found on the original, but the copy in the Laurens Papers is so numbered. See nos. 177, 178, 181, *ante*, and nos. 185, 186, 187, 195, 196, *post*.

185. HENRY LAURENS TO WILLIAM HENRY DRAYTON.¹
(No. 5)²

CHESTNUT STREET, 4th April, 1779.

Sir

In the moment your Letter of this Morning was brought to my House, I was going abroad, the moment of my return I sit down to make a proper acknowledgment of the receipt.

In my address of last night I requested you would honor me with explicitude and candour in your answer. You are pleased to give a preference to illusion and ambiguity. You have declined giving an opinion, or holding a conference, which evinces that you not only "vote" but *act* "systematically".³ here you have drawn a line between us. henceforward, I will neither receive from you, nor trouble you with a letter of controversy but I will never withhold my voice in confirmation of any motion of yours in Congress, nor any utmost support to your measures out of doors where we may be jointly concerned, which shall appear to be conducive to Public good.

You have on "*your own part*" ardently requested the Delegates of North Carolina not to send their Letter to their Governor", from an assurance that "South Carolina absolutely stands in need of the Sisterly aid" of her Northern Neighbour. These Gentlemen have expressed sentiments which seem to be diametrically opposite to your assurances, and they have made the *conduct* of the *Delegates* of South Carolina the *Sine qua non* of *their own*.

Did the measures adopted by the Gentlemen of North Carolina point, in your view, Sir, to no higher an object than aid to a Sister State, which it is neither in their power to direct or restrain? Were you less affected by an attempt of violence upon the suffrages of free Citizens, as well as upon the honor of all these Independent States, than you were by groundless apprehensions of temporary evils to your own? Do you think, Sir, that *your* ardent requests can lull the Resolutions of those Gentlemen or warp their inclinations from the pursuit of a duty which they hold indispensibly necessary? Did you not feel a little for the breach of plighted faith and honor to keep secret deliberations upon a point, the disclosure of which may dash our infant Independence against the Stones? Or did you think me blind? Think, speak, and act, Sir, as you shall judge most convenient. I shall persevere in acting in all respects with propriety towards you, with diligence and fidelity in the Common Cause of Amer-

[185]¹ S. C. Hist. Soc., Laurens Papers, Promiscuous Letters, vol. XXVIII., no. 16 bis; Collection of the late Adrian H. Joline of New York (copy); Univ. Va. Lib., Lee Papers (copy). These copies are all in the writing of Moses Young.

² See nos. 177, 178, 181, 184, *ante*, and nos. 186, 187, 195, 196, *post*.

³ The following note in the writing of Laurens is appended to this copy of the letter:

"Mr. Drayton being asked by Mr. Adams how it happened that he always voted contrary to his Colleague, replied—'We vote systematically'. As I always voted first and could not possibly determine on which side he would give his Voice, the System must have been Confined to himself."

ica, and with the most inviolable attachment to that State whose particular Servant I am.

I have the honor to be, Sir,

Comprehending all proper Ceremonies

Your faithful Colleague

HENRY LAURENS

The Honble William Henry Drayton Esqr.

186. HENRY LAURENS TO THE GOVERNOR OF NORTH CAROLINA
(RICHARD CASWELL).¹

(No. 6)²

PHILADELPHIA 4th April 1779.

Sir,

The Honorable the Delegates of North Carolina now in Congress, have shewn me a Letter intended by them to be addressed to Your Excellency,³ in which they display very freely and as I apprehend very unjustifiably an Instance of my conduct in that Assembly. "I will hear the other party" has ever been a governing principle in my mind.⁴ No Man more convinced of the truth of this assertion in my own favor, than the Honble. Mr. Burke, Your Excellency will believe it too when you recur to my Letter of the 27th April 1778. I am persuaded Sir, that I shall not find Your Excellency less impartial.

Were I in the present moment to attempt a vindication of that part of my conduct which has given the Gentlemen offence, I should Copy the bad example set by the Honorable subscribers of the Letter alluded to; I should join in the disclosure of a momentous subject now under deliberation, which I have pledged my faith and honor to keep secret.

But admitting, as the Gentlemen allege, that I am in error, admitting that my supposed mal-conduct arises from "Infatuation or something worse" does it follow that one State in our Union should be devoted to carnage, and the Interests of the other twelve essentially injured because South Carolina is so unhappy as to have one of her Delegates wrong headed or foul hearted? Can we discover no medium? To speak a little freely Sir, in my turn, these Gentlemen of North Carolina appear to be under the government of Passion, I will not say *any thing* worse. Are Men to be driven into measures by sophistry, misrepresentation and menaces? Could I have expected such attempts from Gentlemen whose daily and laudable boasts are,

"I am accountable to my own State and will be governed by my own Judgement."

"fiat Justitia ruat Coelum."

"I have my own feelings and I am not answerable to any Man or set of Men but to my self and my Constituents." etc. etc. etc. etc. One moments reflection Sir, I am persuaded will determine your Excellency's

[186]¹ Harvard Univ. Lib., Sparks MSS., no. 49, vol. III., p. 101 (original); S. C. Hist. Soc., Laurens Papers, Promiscuous Letters, vol. XXVIII., no. 17 (copy); Collection of the late Adrian H. Joline of New York (copy); Univ. of Va. Lib., Lee Papers (copy); *N. C. State Recs.*, XIV. 57. All the copies are in the writing of Moses Young.

² See nos. 177, 178, 181, 184, 185, *ante*, 187, 195, 196, *post*.

³ No. 178, *ante*.

⁴ See no. 30, note 5, *ante*.

"good sense" to make "such an use of the Gentlemen's Letter as the importance of it deserves."

Were I to presume to give an *additional hint*, it would be to keep in Your Excellency's own breast a secret which the Gentlemen have obtrusively and unnecessarily thrust into it.

It is possible I may have erred in judgement, the Gentlemen in their attempt to correct the supposed error, have committed Acts, which appear to me in the glare of heino[u]s Crimes. They have attacked the freedom of debate and suffrage. They have menaced a free Citizen in order to bias his vote. They have advised the abandonment of an Innocent people to the rage of a powerful and merciless Enemy. They have recommended measures which if adopted will endanger the safety of the United States. And have they not sacrificed their sacred faith and honor to pique and resentment?

But Sir, I will disclose to Your Excellency a secret which I never promised to keep. It is a settled Plan and has been for some time past "to hunt me down". were there any just cause, unjustifiable means for accomplishing the pious purpose would not be resorted to.

The "vantage ground of truth" says lord Bacon, "is an incomparable pleasure, 'tis an Hill not to be commanded and where the Air is always clear and serene" and believe me Sir, I do consistently with truth add, that I have seen from thence, particularly in late Instances, "the *Errors*, and *Wanderings* and *Mists* and *Tempests* in the Vale below."

All this if my Address arrives alone will be a riddle; If the honorable Gentlemen shall think proper to send forward their Letter to Your Excellency, that will produce explication.

I have the honor to be With the highest Regard and Esteem Sir

Your Excellency's Most obedient and Most humble Servant

HENRY LAURENS.

187. HENRY LAURENS TO THE NORTH CAROLINA DELEGATES.¹

(No. 7)²

Gentlemen,

CHESTNUT STREET, Apr 4, 1779.

On the 2nd Instant a Packet was brought from the President's House to mine, by one of His Excellency's Servants, containing your Official Memorial without date, directed to the Delegates of South Carolina, and a Letter, also undated directed to Governor Caswell.

After our adjournment Yesterday, and not earlier, I found leisure to take those Papers under Consideration. I have attentively perused, and have Copies of them, and I have the honor of assuring you Gentlemen, their several contents have their "due weight" with me.

I sent those *excellent* Performances last Evening to my honorable Colleague, not merely for his information, because *I knew* he had a foreknowledge of them, but in hopes of obtaining from him what I had a right to expect, an explicit and candid opinion on the propriety of the

[187]¹ S. C. Hist. Soc., Laurens Papers, Promiscuous Letters, vol. XXVIII., no. 17 bis (copy); Univ. Va. Lib., Lee Papers (copy); Collection of the late Adrian H. Joline of New York (copy). The copies are in the writing of Moses Young.

² See nos. 177, 178, 181, 184, 185, 186, *ante*, and nos. 195, 196, *post*.

Measure in which you have *committed yourselves*, but my honble. Colleague judged it most convenient to decline hazarding an opinion, or holding a Conference on the subject, with me.

He has returned me the Official Memorial, and promised to deliver the Governor's Letter to yourselves.

I have no inducements to offer which can possibly "supercede the necessity" for sending forward the Letter. Your *own* "good sense" will probably supply the deficiency.

In return Gentlemen for your candor in shewing me your *calculations*, I shall present to you under this cover a rough Copy of a Letter which I shall transmit to Governor Caswell tomorrow, in order to anticipate the poison by the antidote, unless your intermediate conduct shall render the measure unnecessary. I have the honor to be Gentlemen

Your very Obedient Servt.

H L.

The Honble. John Penn, Whitmell Hill, Tho. Burke, Esqrs.

Delegates in Congress from N. Carolina

188. THE PRESIDENT OF CONGRESS (JOHN JAY) TO HORATIO GATES.¹

Sir, PHILADELPHIA 4th April 1779.

Your Favor of the 15th Ultio. will be considered to morrow, and I shall immediately transmit to you whatever Resolutions Congress may enter into on the Subject.² Every Act of Congress respecting the Eastern Department has been duly sent, and you may rely on my Punctual attention to this as well as other Parts of my duty.³

I am not authorized to say any thing of the Intention of Congress relative to the proposed Fortifications at Boston.⁴

189. JAMES LOVELL TO HORATIO GATES.¹

Dear General Apr: 5th [1779.]²

. . . . Yr. Favors are come to Hand by Doctr. Brown. I doubt whether any great Matter will come from their Contents being read in Congress.

[188]¹ N. Y. Hist. Soc., Gates Papers, XIV. 326. Library of Congress, President's Letter-Book, p. 78.

² See the *Journals*, Apr. 5; cf. no. 189, *post*. Jay transmitted to Washington, Apr. 6, an extract of Gates's letter, with no comment other than that it was "in a certain degree interesting". This drew from Washington a long letter (Apr. 14), in which he discussed frankly the questions which Gates's letter had raised, namely, the Canadian expedition and Gates's conduct respecting Washington; and these letters led to further correspondence between the two. See *Correspondence of Jay*, I. 196-211, *Writings of Washington* (ed. Ford), VII. 393, 404 n., 415, (ed. Sparks), VI. 214, 227, and no. 225, *post*.

³ This is "the retort courteous" to Gates's opening remarks in his letter of Mar. 15: "Persuaded that your Excellency punctually attends to every Thing which may respect the Eastern Department, as you declared in the first Letter I have been honoured with from you, since you are in the Chair, I hope all my Letters, since my Arrival in Boston, will be answered as far as it may be necessary for my Conduct."

⁴ See the *Journals*, Jan. 30, and nos. 112, 113, *ante*. Gates had remarked in his letter, "I do not yet know what Congress intend to do towards fortifying this City and Harbour".

[189]¹ N. Y. Hist. Soc., Gates Papers, XIV. 329.

² This date-line is in the manuscript, but it is not in Lovell's writing. Moreover, the endorsement reads, "Letter from Mr. Lovell dated Philadelphia 16th April 1779". Apr. 5 would seem to be correct, as the communications from Gates were read in Congress on that day.

They are referred to the Board of War. They will serve, as the Lord's Protests, to show yr. Sentiments. We have done our best Endeavors except in the matter of Fortifications at Boston.³ . . .

Your Sentiments about Nova Scotia touch my Heart and will make me industrious to forward them. This very Matter, if known would prevent some others from giving them any Expedition.⁴

I will not write to you in Figures.⁵ There are Men here in too great Plenty who think a stark naked Acknowledgem't of the 13 United States under territorial Limits which Britain will not dispute is all that we are warranted to *demand* and all that our Allies will support us in the Claim of. Two European Powers have fancied that they could claim the Fishery of the Banks and Gulphs of America not only against their european Nations but agst. all *weaker* People ever bordering on their Sease. A private Party pretend to know possitively that Gr Br. will not be thought to set up a *strange* Claim if she persists to demand *all* that she has not given to France. I mean all eastward of the Bounds of Massachusetts. He therefore that says we ought to demand and fight for the same Rights of Fishery as we have always had, is the willfull Murderer of thousands, because Allies will not support us beyond the professed End of the Treaty.

To be sure every Thing looks on our Part like Unpreparedness for even Defence. But if we may not demand what the Deity intended for us we will not formally or impliedly relinquish it. We must at least declare that we mean not by any Words or Treaties [to] be supposed to foreclose future Claims of our Right to *catch* Fish in all open Seas if we cannot *cure* them but on our own Lands.⁶ . . .

190. JOHN FELL, DIARY.¹

Monday April 5th 1779. Commercial Committee Congress. A Number of Letters Read. Clothier Generals Pay. the Report was 1000 D's 12 Rations and forrege for 3 Horses long debate carr'd for 50000. State Clothier to be appointed and Paid by the State Commissary Turnbulls affair came on but not finish'd.

Tuesday April 6th. Commercial Committee Congress. Mr. Rutgars and Mr. Horton appointed Deputy Muster Masters. Mr. McPherson nominated. Order of the Day. Long Debate about Mr. Dean and the Commissioners abroad, on the Report of the Committee on foreign Affairs. P M Marine Committee.

191. THE MARYLAND DELEGATES TO THE GOVERNOR OF MARYLAND (THOMAS JOHNSON, JR.).¹

Sir

We had the honor of receiving in course of Post your several letters of the 26th ulto. with their respective inclosures and immediately made

³ See the *Journals*, Apr. 5, and no. 188, *ante*.

⁴ See no. 194, note 2, *post*.

⁵ That is, in cipher. See no. 113, *ante*.

⁶ See nos. 113, 114 (note 5), 151-153, 155, *ante*, and nos. 202, 212, *post*.

[190]¹ Library of Congress, *Journals and Diaries*.

[191]¹ Md. Hist. Soc., Red Book, V. 13; *Arch. of Md.*, XXI. 337.

the necessary application to enable us to give you the information you desire. The inclosed letter from Mr. Governur Morris Chairman of a Committee of Congress for superintending the Quarter Master and Commissary Generals departments will point out the present demand for the army.² We are sorry that in fixing the quota of troops for the service of the present year the distressed and exposed situation of some other States prevented us from availing ourselves of the circumstances pointed out in your letter. Our Endeavors shall not be wanting to obtain the same discount for recruits raised in the State as hath been allowed to others.³

We find by a resolution of Congress inclosed to us by your Excellency, that the amount of the damages sustained by the inhabitants of the State from the irregularities of the 4th Georgia Battalion⁴ commanded by Colonel White, is payable to your order. we therefore return the resolution and estimate and intreat you to favor us with an order, which we will transmit to the Auditors of the army, for payment with instructions to forward the Money as you shall direct. . . .

We are with much respect Your Excellencys

Most Humble and Most Obedt. Sevts

GEO. PLATER

WM. PACA

WM. CARMICHAEL

JOHN HENRY.

PHILADELPHIA April 6th 1779

192. WILLIAM WHIPPLE TO JOSIAH BARTLETT.¹

PHILADELPHIA 6th Apl. 1779

My Dear Sir

. . . . I have no news to give you, there are flying reports, but as such are not to be relied on they are not worth relating; we have had no intelligence from the Southward this 6 weeks nor from Europe since the beginning of Decr.

Mr: Frost talks of leaving me next week; I have not had the least intimation who is to take his place. firmness and Intrepidity were never more necessary than at the present day, I therefore hope no one will be sent here who are not fully possessed of these Qualities. I shall endeavour to write to you fully per Mr. Frost on subjects that it may not be proper to trust by the post.

² An earlier letter from the delegates (Mar. 30), acknowledging the council's communications, is in Md. Hist. Soc., Red Book, V. 12. The council's letter to the delegates, Mar. 26, is in *Arch. of Md.*, XXI. 328; cf. the letter to Washington, same date, *ibid.*, p. 329. The letter from Morris to the delegates, Apr. 2, is *ibid.*, p. 338. Washington's reply to Governor Johnson is *ibid.*, p. 339. See also the council to Congress and to the delegates, Apr. 21, *ibid.*, pp. 357, 358, to Gouverneur Morris and to the delegates, Apr. 30, *ibid.*, p. 374. A letter from John Henry, jr., on the subject, Apr. 20, is in Md. Hist. Soc., Red Book, V. 13, and letters from Morris, Apr. 21, May 4, are, *ibid.*, Red Book, XXIV. 68, 71.

³ See the *Journals*, Mar. 9, 15; cf. *ibid.*, Dec. 7, 14, 16, 18.

⁴ See the *Journals*, Oct. 8, 10, 1777; also vol. II. of these *Letters*, no. 679.

[192]¹ Hist. Soc. of Pa., Etting Coll., Signers, p. 95.

193. THE PRESIDENT OF CONGRESS (JOHN JAY) TO THE SEVERAL STATES.¹

PHILADELPHIA 7th April 1779.

Sir,

Herewith enclosed are Copies of two Acts of Congress, one of the 23rd Ult. for regulating the Cloathing Department, the other of the 5th Inst. providing for the Pay of the Officers employed in it.

You will perceive that the first refers the Appointment of the Sub, or State Cloathiers to the different States, the second leaves their Salaries to be ascertained and paid by the States appointing them.

Such has long been the deranged State of this Department, and such is the Importance of immediately carrying the present System into Execution, that Congress hope it will meet with the earliest Attention.

194. JOHN FELL, DIARY.¹

Wednesday April 7th 1779. Commercial Committee. Congress. Sundry Letters Read. Motion for 15000 D's to be Paid to Captains McNutt, Nevers and Rogers, they are to endeavor to open a Road in to Nova Scotia.² Order of the day, for examening in to the conduct of the Commissioners abroad, and foreign Affairs, great and warm debates. agreed to Read all the Letters.

Thursday April 8th 1779. Commercial Committee. Congress. Report from the Board of Warr to allow Barron Stiuben 4000 Doll's Long Debate Report of the Committee concerning the dispute abt. Prisoners between Major Pinkney and Lt. Coll. Prevost agreed that Genl. Lincoln should appoint a Commisary of Prisoners to the Southern Army. Marine Committee directed to Sell the Hulks of the *Washington* and *Effingham* Frigates. P. M. Marine Committee NB Dined with Mr. Jay.

[193]¹ Library of Congress, President's Letter-Book, p. 82; Md. Hist. Soc., Red Book, VIII. 60; Mass. Arch., CC. 389; N. J. State Library; N. C. State Recs., XIV. 63; *Clinton Papers*, IV. 701.

[194]¹ Library of Congress, Journals and Diaries.

² Alexander McNutt had for some time been engaged in efforts to bring about a union of Nova Scotia with the United States. Sept. 29, 1778, he had presented to Congress a memorial (dated Sept. 17) in behalf of twenty-one townships of Nova Scotia. This was referred to a committee (Lovell, Marchant, and Bartlett), who reported Oct. 28 against further proceedings in the matter at that time. Dec. 16 McNutt, together with Phineas Nevers and Samuel Rogers, presented another memorial (dated Dec. 14), in which, among other things, they bring up the question of opening a road between Penobscot River and St. Johns. If the committee (Lovell, Whipple, Witherspoon) to whom this memorial was referred made a report, it is that found under Apr. 7. There is, however, among the Washington Papers a letter which McNutt wrote to that committee Dec. 23, wherein he speaks of the steps taken in Nova Scotia to form a government and refers again to the matter of the road. On Jan. 12 a further memorial from McNutt was laid on the table. This may have been the memorial of Jan. 5 from Alexander McNutt and others, taken into consideration Apr. 8. Meanwhile, on Jan. 4, McNutt had written to Washington, transmitting copies of his memorials and of his letter to the committee, and offering to furnish a true state of his colony. Once more, on Mar. 15, McNutt, Nevers, and Rogers perferred a memorial to Congress (read Mar. 17), and it appears to have been this memorial that was immediately under consideration Apr. 7, but the action taken was no doubt in view of the memorials as a whole. Indeed, the report printed in the *Journals* of that day probably emanated from the committee of Dec. 16, of which Lovell was chairman. See, further, nos. 319, 325, *post*.

195. THE NORTH CAROLINA DELEGATES TO HENRY LAURENS.¹
(No. 8)²

[April 8, 1779.]

Sir,

We had no Intention or Expectation of entering into a Correspondence with the Delegates of South Carolina, individually, when we officially laid before them our thoughts and purposes relative to a certain measure depending before Congress; which seemed greatly to depend on your vote, and from the manner in which you gave it, on an Interlocutory motion, threatened, in our opinion, distressing Evils to those parts of the Continent which are not secured by internal³ Strength and inaccessible situation; and which, for that reason, threatened the State we represent with very Interesting and dangerous Dilemmas.

We are sorry to find that your honorable Colleague and you do not harmonize in this business, and that, instead of your Joint answer, we are to receive only separate letters which convey very different sentiments. What foreknowledge your honorable Colleague may have had of our measure we know not, but we assure you it was the result of mature thinking, and of our own judgments only.

We return you our thanks, Sir, for enclosing to us the Copy of your intended letter to Governor Caswell, the rather as it affords us an Opportunity of attempting to remove some mistaken Opinions which you have therein advanced.

We meant not, sir, to condemn or even censure your Conduct. We saw you vote for making a very extensive claim of a right of Fishing, an ultimatum on a treaty of peace, even tho' our Allies should be in no condition to give us assistance; and we could not reconcile this vote, given by a Delegate from a State which has hitherto been considered as a very rich and alluring object to the Enemy, but unable to make any effectual efforts for her own defense, and which appears but too probably to have of late engaged the Enemy's most hostile Intentions. We say, Sir, we could not reconcile this Vote on any other presumption, than what we have suggested in our Memorial.

Our View, in that Memorial, was not as you suggest to Governor Caswell, "to attack the freedom of debate and suffrage, to menace a free citizen in order to bias his Vote", but to inform the Delegates of South Carolina, that the presumption of exertions to be made by the State we represent is mistaken; and, if it had any Influence in causing you to vote for an object, as an ultimatum, which we all think highly important, but not absolutely Necessary, to remove all ground for such Influence. Relying on your Candor, we doubted not, that if your vote was founded, in any degree, on such presumption, you would retract it on the information we gave; and we preferred giving you this Information officially,

[195]¹ S. C. Hist. Soc., Laurens Papers, Promiscuous Letters, vol. XXVIII., no. 18 (copy, in the writing of Laurens); Harvard Univ. Lib., Lee MSS., VI. 44 (copy, in the writing of Moses Young).

² See nos. 177, 178, 181, 184, 185, 186, 187, *ante*, and no. 196, *post*.

³ This copy has "international", but the copy in the Lee MSS. has "internal", which is doubtless correct.

and in writing, that it might form a proper and honorable Ground for your change of Opinion, as well as a Justification for ourselves. We cannot understand this to be a menace; and we beg leave to assure you, we are incapable of such motives as you assign: and clear in our Opinion, that threats would be very ineffectually applied to you. Should we see you persist in the Vote, after the information we gave, we should conclude you to be determined by the Idea you have, of adequate force in South Carolina; and, in that event, intended to send forward the letters to the Governor of our State; believing it our duty to spare the Exertions of our People as much as possible.

We hope we have not misrepresented. We certainly have no such Intentions. Nor, do we conceive, that our Conduct, on the present Occasion, is contrary to our declared maxims, which we sometimes use in debate.

The Measures we recommend, cannot have the effect of "an abandonment of an Innocent People", or "endangering the safety of the United States", if the strength and resources of South Carolina be such, as to warrant her Delegates to vote for a continuance of the War, without Allies, for an Object not absolutely necessary to the whole, and, but remotely, if at all, interesting to her. And such strength and resources make the Efforts of other states, which are made with great difficulty, unnecessary in her present situation. We may attribute too much to your Opinion; but we think ourselves Justifiable, from your eminent character for experience, Industry and Intimate knowledge of your Country, in relying on it, so far as to induce the Measures we propose.

The public secret, which you allude to, is kept on our part. In the Event, that the Fishery claim shall be made an ultimatum, even without Allies, we shall feel ourselves under a Tie to our Country, Superior to any which Congress can lay us under; and, foreseeing from it nothing but desolation, or absolute Submission, we shall follow the example of some other Gentlemen, who declare they will hold themselves bound to lay the matter before the state they represent.

The secret of a "Plan to hunt you down" is utterly unknown to us; and we hope you are mistaken. We cannot deem any individual amongst our Body so dangerous, as to be the object of a Justifiable combination, nor do we know any one, of importance sufficient, so much to engage our efforts and attention; and, we wish you to do us the Justice to believe, we are incapable of so unworthy a Measure.

The Paragraph in your letter, beginning with the quotation from Lord Bacon, is too figurative, and misterious for our Comprehension.

We are sorry you deem us under the Influence of Passion, or that we feel any pique or resentment against you. permit us to assure you, that, in both, you are mistaken. We are sensible of no personal Injury from you, and have therefore nothing to resent. we cannot persuade ourselves that you are conscious of having ever designed an ill office to us, and suppose the word resentment was a slip of your pen. We have not observed in you anything unfriendly or disrespectful to us; and know of no pique or cause for one to exist.

The manner in which we address you, notwithstanding the asperity of some expressions in your letter to Governor Caswell, applied to us, may

sufficiently, convince you of our good temper. We attribute those asperities to the mistaken sense in which you understand our memorial; and therefore, excuse them.

In truth, sir, the importance of the object, and its peculiar Consequence to our own particular state, were the only considerations that moved us to address our Memorial to the Delegates of South Carolina; and, we expected to inform, but not menace thereby.⁴

The letter to the Governor contains sentiments which we now entertain Hypothetically, and which will be established, or removed by the event of the Question before Congress, and the votes thereon.

We are much concerned that you have so widely mistaken us, but we shall be much more so, if your vote shall fix as an Ultimatum those Extensive Claims to Fishing Contended for by the Eastern States.

We leave the subject entirely to your own good Sense, and cool, dispassionate reflection.⁵

Having the honor to be with due respect,

Your obedt. Servants

JOHN PENN
WHITMELL HILL
THOS. BURKE

196. HENRY LAURENS TO THE NORTH CAROLINA DELEGATES.¹
(No. 9).²

CHESTNUT STREET PHILADELPHIA 8th April 1779.

Gentlemen,

The explanations contained in your Letter of this Morning afford me the satisfaction of feeling myself once more a free Agent. I have, in the course of a two Years acquaintance given you repeated proofs of my abhorrence of that temper which leads some Men to take unfair advantages of the rashness or inadvertency of others. I have the honor of adding another in the present instance, and of assuring you Gentlemen, your confidence in my candor shall not be abused.

Be persuaded Gentlemen, my late Vote, you know what I refer to, and to be more minute would be dangerous, because our correspondence may perchance fall into improper hands, was the effect of as deep meditation as my mind could produce, after listening to, and impartially arranging every good argument, pro and con; casting aside such as were "misty" or "tempestuous". The reasonings in Congress and Conscience, were my Oracles. I neither consulted, nor received advice out of doors, directly or indirectly, from any Man. had you been pleased to

⁴ The remainder, which is missing from the copy in the Laurens Papers, is taken from that in the Lee Papers.

⁵ On the copy in the Lee MSS. is the following marginal note, in the writing of Laurens: "Not examined for want of time but I believe there is no error I mean the copyist says he is not conscious of error."

[196]¹ S. C. Hist. Soc., Laurens Papers, Promiscuous Letters, vol. XXVIII., no 19; Library of Congress, Laurens Papers, Miscellaneous; Collection of the late Adrian H. Joline of New York (copy). All in the writing of Moses Young.

² See no. 195, note 2, *ante*; also nos. 197, 207, *post*.

address me in Person, you would have found me, as you will now find me, determined to pay a respectful attention to the voice of decent expostulation, in full possession of a maxim which has governed my conduct thro' life, "never to determine on important points until the proper moment"; that moment in one stage of the business before us, is past, but the judgment being interlocutory, another, for final decision will arrive, the mean space shall be employed in reconsidering the subject upon the principles of justice, policy, expediency, and even necessity. should I, Gentlemen, eventually differ in opinion with you, let my welfare here and hereafter be forfeited, if my vote be the effect of criminal pertinacity.

Methinks I could in this place administer salutary advice in return for your favors, but it is not my duty nor my wish to catechise, or to put my friends to pain by an application of causticks. My honorable Colleague without my knowledge commenced the seperate correspondence which you regret. I am equally blameless for that circumstance, and for the late general and visible want of harmony with that Gentleman. My own heart is in proper tone. So sensible am I of the critical situation I stand in, that I would give half the fragment of my Estate for the purchase of positive instructions from my Country upon the momentous question which has occasioned you and me the trouble of so much writing. I am almost provoked to add, that I would give it for the pleasure of a confining fit of the Gout; but, while I am in health, I dare not meanly turn my back upon duty, from a fear of consequences. I have no overweening Ideas of my own abilities, such as they are, my countrymen after long experience, sent, and have been pleased to detain, here. They know what they have to rely on respecting myself—whether my vote hereafter shall receive their plaudit or otherwise, I am sure they will never question my integrity.

If there be traits of asperity in my former Letter, which I did not intend, you will be pleased Gentlemen, to consider them as the product of an unexampled outrage on your part, and for which I admit your present Address to be a mark of apology. Here I intreat our correspondence on this subject may expire, and that you will believe me to be, very respectfully, Gentlemen

Your faithful fellow Labourer,
and Obedient Humble Servant
(signed) HENRY LAURENS

To the Delegates in Congress from North Carolina,³

8th April 1779.

No. 9, which put an end to the Farce and produced much politeness and many assurances of good will and esteem, from the Delegates of North Carolina to Mr. Laurens. whether they sent their Letters to Gov. Caswell or not I can't tell. I did not give myself the trouble to

³ The copy in the Library of Congress has at the foot, "The Honble John Penn, Whitmill Hill, Thos. Burke Esquires Delegates in Congress from North Carolina". The names are in Moses Young's writing, but the descriptive phrase was added by Laurens himself.

enquire, but I had kept my word and sent mine, because their apology did not come in time to prevent it.⁴

197. HENRY LAURENS TO JOHN LAURENS.¹

PHILADELPHIA 8th April 1779.

My Dear Son,

. . . . You will see by the inclosed Copies of correspondence,² all that I know at this moment of the delicate subject which you left me engaged in. The Censors from the Land of Turpentine took four days to devise an answer to my first Letter, found themselves hobbled and their reply proves they were a little humbled too. they felt the pressure of the Cord in which they had entangled themselves; at first they kicked violently, for I saw one of them writing the morning after my Letter was delivered, two hours and an half with that Letter before him, which had been previously scan'd by my Colleague and the Circle, who were all much agitated. three days Calm succeeded and then came forth a Letter of this date, expressing a "reliance on my Candor" and leaving room for the exercise of my generosity. to demand more than reasonable satisfaction is to shift the ground and to commit an Offence. under the influence of this sentiment I scribbled over my answer of the present date; if the Gentlemen enjoy feelings similar to my own, the affair will not come before Congress. I had every advantage over them that could have been wished for by a vindictive mind, and have disdain'd to insult Men who have surrendered.

. . . . the business which employs me daily seven or eight hours or more at the State House and here is of a secret nature therefore I have no News to offer but such as may appear in the printed Papers which I send to Colonel Gervais and to which I refer you. . . .

I pray God to bless and protect you

HENRY LAURENS.

P. S. *11th.* since writing as above No. Carolina has been silent, and what is more extraordinary my Colleague has called upon me to confer on business of our Constituents. he met a cordial reception and a frank communication of sentiments on my part.³

198. GOUVERNEUR MORRIS TO JOSEPH REED.¹

PHILA: 9th April 1779.

Sir

I this Morning, for the first Time, have seen the Points stated, by your Excellency, on Behalf of the joint Committees of Council and Assembly.² I had previously heard a Part of the Substance, together with some

⁴ This note, in Laurens's own hand, is found only on the copy in the Laurens Papers.

[197]¹ L. I. Hist. Soc., Laurens Papers.

² See nos. 177, 178, 181, 184, 185, 187, 195, 196, *ante*.

³ See no. 207, *post*.

[198]¹ N. Y. Hist. Soc., MSS. of Joseph Reed, V.

² See nos. 57, 58, 60, 91, *ante*.

other Things which I shall take Notice of in the Course of this Letter. As you must know that Congress has no Control over the Conduct of it's Members, other than what may be necessary for the Order and Decency of Debate, and the better conducting of public Business; you would not be ignorant that any Offence which I had been so unfortunate as to give your State, was by no Means chargeable on the Body I have the Honor to belong to. You will pardon me then, Sir, if I consider every Thing which is personal of me, as having a Tendency to injure me without a Possibility of Doing Good to any Man or Body of Men whatsoever. I shall not enquire into the Motives. I hope they are honorable, because I most sincerely wish, that every Person in Office under the Whigs of America may, at a late Day, have the Consolation of an approving Heart. Let me assure you that it is not in my Intention to cast the slightest Reproach upon you. I know well how much the Conduct of Men is influenced by Circumstances, how open public Men are to Misinformation and the Design of others, and how very difficult it is not to be swayed by Heats on some Occasions. At present I do not write for the Press. It is in your Power to prevent me from harboring the slightest Intentions to do you an Injury. It is also in your Power to compel me to take Measures for my Defence. I shall write to you with Freedom, and I shall expect that you will vindicate me from such Aspersions as you know to be groundless. I ask no more.

Your first Complaint is grounded on my Letter of the 24th of January 1778. Of that Letter I never kept a Copy, but from Memory I state the Matter as follows.³ The hon'le Mr. Harvie and myself were, at Lancaster, applied to by some british Officers, who complained that they came out under the Protection of the united States pledged by their Generals, that they had paid on the Road for every Thing they purchased in Specie agreeable to the Order of Congress; that they had paid their Bill at Lancaster in the same Manner; but that, by Reason of a Law of the State of Pensilvania, the executive Council had compelled the Innkeeper to make out a new Bill and charge them of a new for the same Articles at an exhorbitant Rate, because he charged others so who were to pay him in Paper; which they considered as a Violation of the public Faith. I saw at once the Advantage which our Enemies would take of such Circumstances, and how much our national Character for Probity might be injured by their artful Representations. At the same Time, convinced that the Legislature could not possibly have had this Case in Contemplation which indeed was alone to be determined by the Law of Nations, convinced also (and I appeal to your own Good Sense for the Truth of the Position) that Persons in their situation were not subject to the municipal Laws of the seperate States so long as they demeaned themselves consistently with the Terms they had either tacitly or expressly agreed to, I wrote the Letter in Question. That Letter I believe supports such Sentiments, tho as it was written in the public Room of a Tavern in Haste while on a Journey from York Town to Camp it may want both Accuracy and Precission. Till this Moment I did not

³ See vol. III., p. 49.

know that the Council had complained of it to Congress, nor shall I now make any Remarks on that Complaint. You mentioned the Letter to me at Camp. You censured it as imprudent, urging that the same Sentiments might with great Propriety have been delivered to the President personally; to which I answered, with Truth, that I had not the Honor of his Acquaintance. We had a longer Conversation about it than I thought the Letter deserved. The tedious Altercation was at length closed by an obliging Observation which you uttered with a Smile, "That you was confident I would not have written it had I taken Time for Consideration and would not do it if it was to do again["]". I make no Comments on this Transaction. I think the Council have paid more Attention to the Letter than it was worth. The Rest I leave to you; with an Assurance, however, that if the Use made of it contributed in any Manner to extricate your Council from a Dispute with Congress, which however ridiculous may have been the Causes, might in the Consequences have been very pernicious; if this I say was the Case, you are heartily welcome. For I am well content to be the Peace Offering on this Occasion, saving always my Reputation which I will not part with. . . .

The third Ground of Complaint against me is the Letter of Robert Lettis Hooper, on which you say "Which Letter was *publicly* shewn by the said Mr. Morris to the Commander in Chief and others but being demanded by the Delegate of Pensilvania as a high Insult to the State was refused upon the Allegation of it's being a *private* Letter." The Opposition between *publick* and *private* you will I dare say take Notice of. A private Letter may be publicly shewn without the Fault of the Writer. Nor ought he to be prejudiced by the Imprudence of him to whom the Letter is directed. Let me remind you Sir that upon the Receipt of this Letter I shewed it as containing a Piece of News on the one Part, and a very extraordinary Determination on the other. That you pressed for it in Order to lay it before the Council. That I then told you I did not imagine Mr. Hooper meant by Writing that Letter to publish such Determination. That I did not think it written to me as a Delegate but merely in my private Capacity. That there was Something dishonorable in using such a Communication to the Prejudice of a Man who might have entrusted it confidentially. And that if he really intended to publish such a Determination other Evidence would not be wanting against him. Sir I refused to deliver that Letter, because I think it wrong to turn to a Man's Disadvantage private Communications. I entreated you to consider it as such and by no Means to publish the contents of that Letter, and I believe you know that it was not shewn by me after your Demand of it. I do not take Notice of the Matter as before the Board of War who I am told can fully exculpate themselves, but I must call to your Remembrance that I chearfully cooperated with you and Doctor Witherspoon in collecting Evidence against this very Mr. Hooper.⁴

⁴ Concerning the Hooper matter, see the *Journals*, Feb. 16, 17, 21, 25, July 10, 1778; *Pa. Arch.*, first ser., VI. 242, 266, 284; and these *Letters*, vol. III., no. 97. The specific investigation to which Morris here refers was doubtless that of the committee (Morris, Reed, and Witherspoon) appointed Aug. 17, 1778, on General Mifflin's resignation as quartermaster-general. For the action of this committee, with regard to Hooper, see the *Journals*, Dec. 22, 1778, and Jan. 23, Apr. 15, 1779.

I have heard, but I do not recollect my Informant for I cannot believe the Fact, that you asserted to the Assembly, that in a Conversation with me, I had not only declared my Intention to procrastinate a Determination on General Arnold's Case but even pointed out the Mode I would pursue. It is possible that you may have mistaken or forgotten some Part of that Conversation. . . . You then complained of the Part I had taken in your Dispute with Genl. Arnold. I told you, and I told you truly, that I had been so unwell for several Days that I could not attend Congress, and consequently had taken no Part in the Business; and further that I had not seen any one Paper relating to it, which was also a sacred Truth. You told me that the Council had Evidence agt. Genl. Arnold which Gentlemen of Congress little dreamt of, and that those who supported him would be injured by it. I replied that whenever Evidence offered against him or any other Man, no Member of Congress would exert himself more to see that public Justice was done. I appealed to your own Knowledge of me in the Affairs of Hooper etc. and to the Part I had acted on Mr. Laurens's Representation against Mr. Robert Morris.⁵ You pointed at some Resolution (tho I really forget what) which you thought Congress ought to pass. I did not like it and candidly told you so and my Reasons. You proposed to me the Question how I would act if the Motion was made and the Yeas and Nays called. I told you that I did not believe Congress would give either Yea or Nay upon any such general Proposition. And that for my own Part I should in such Case propose an Amendment. But this had nothing to do with Procrastination, and it would be very singularly hard if a Man should be chargeable with procrastinating public Business, when he proposes to amend what in his Conscience he cannot approve. You observ'd to me that I was wrong in supporting the army for that those Gentlemen were quite assuming enough without any Encouragement. I told you that I could not charge myself with giving them improper Encouragement; and that I was confident they would never be dangerous to the Liberties of America unless from a groundless Distrust of them. You mentioned to me my Vote in the affair of Genl. Thompson and Mr. McKean as a Slight upon Pensilvania.⁶ I told you, that on that Occasion Mr. McKean the Delegate of Delaware was concerned, and not Mr. McKean the Chief Justice of Pensilvania. That Congress had no Right to protect the Privileges of your Chief Justice, however they might have a Right to protect those of their own Members. And that my Vote, in the Consequences of it, might be more injurious to myself than it possibly could be to the State of Pensilvania. I desired you to tell me the Reason of a Coldness and Distance in your Behaviour which I had observed. You assured me that you was not yourself sensible of it. That there was no Cause except what you had mentioned. That you was fully satisfied, and that if any thing should turn up which gave you Dissatisfaction, you would candidly mention it before you suffered it to make any Impression on your Mind. Some general Conversation on public Affairs ensued, and among other Things,

⁵ See nos. 20, 24, *ante*.

⁶ See vol. III., nos. 662, 680, 695.

as we both agreed in our Idea that the Publications about that Time had a pernicious Tendency (particularly as they might create and certainly had the Appearance of Disunion) I told you that at the first Leisure Moment I would write a Paper to prevent the Ill Effects of them, which you strongly urged me to do. . . .

Another Insinuation against me no less cruel is, that I support Mr. Deane from interested Motives. If by supporting Mr. Deane is meant the just and honorable Support which is due from a Representative of America to a Servant who asks for Justice, I am proud to declare that I have given and will give it, tho I disdain to sell it either for Price or Condition. But if by Support is meant Assistance in Fraud or Guilt I repel the Calumny and I despise the Calumniator. While Mr. Deane was a Petitioner to be heard, I maintained his Right to a fair and a candid Hearing, with the Warmth, not of an advocate but, of an honest Representative whose Duty it was to do Justice to the Public and to Individuals. If he shall appear to be guilty I will condemn and prosecute him and if innocent I shall endeavor to place that Innocence in it's proper Light. But the supposition that I forward his Views (if any he has) to future foreign Employment is ridiculous. Mr. Deane considered in himself is not the Negotiator I should chuse under his present Circumstances, tho compared with some now employed and others who wish to be employed he has an infinite Preference. . . .

I have mentioned above a Publication ⁷ which you urged me to make, but which hath as I have been informed given you Offence. How this can be I know not. My Object was to prevent our Friends from being alarmed and our Enemies encouraged by the Appearances of Disunion. Similar Motives appear to have prompted your Measures for Healing the Dispute of your Council with Congress. Between the Time of conversing with you and that of Writing the Publication, this Dispute had begun to take a serious Turn, and the Honor and Justice of Congress were impeached. I think it essential to the Safety of America that her Representatives should be properly respected, which cannot be while their Conduct is marked by Folly or Iniquity. To justify them was a Duty. I know of no Principles of Friendship or Regard by which I was bound to treat your Council with peculiar Tenderness. I have spoken of them in that Publication not disrespectfully, and perhaps the Moment will arrive when they will do Justice to the charitable sentiments which it breathes. . . .

⁷ The publication to which Morris alludes was probably that in the *Pennsylvania Packet* of Feb. 27, signed "An American", and addressed "To the Quakers, Bethlehemites, Moderate Men, Refugees and other the Tories whatsoever, and wheresoever, dispersed" (see no. 132, note 2, *ante*). A further note respecting William Duer had been sounded in the *Pennsylvania Packet* Apr. 3 by "Argus". He calls attention to the fact that a few days before Duer had been at Frankfort, five miles from Philadelphia, had conferred with Mr. Constable, owner of the *Lovely Nancy* (the schooner concerned in the Arnold affair), and had retired without coming into the city. It behooved Duer's friends, "if he has any here", Argus contends, to account for this mysterious conduct.

199. JOHN FELL, DIARY.¹

[April 9, 1779.]

Friday April 9th Commercial Committee Congress. After the Letters etc. The order of the Day In the Report of the Committee on foreign Affairs. NB Dr. Weatherspoon went home. P M. Marine Committee.²

200. SAMUEL HOLTEN, DIARY.¹

[April 10, 1779.]

10. We had a letter from the Governor of S. Carolina, inclosing ord'r from Genl. Lincoln, the news not very agreeable. I rode out with Messrs. Gerry and Whipple.

201. HENRY LAURENS, STATEMENT.¹

[April 12, 1779.]

The inclosed Letters and Papers were brought up to my House Saturday Morning the 10th April 1779 by the Hon'ble Mr. Drayton in a few minutes after a Letter from Mr. Gervais had been sent to me by the Pres't of Congress. Mr. Drayton and myself perused them and agreed to present them excepting a few parts which we judged improper to be made public to Congress. when Congress was collecting I asked Mr. D. who with the President of Congress and myself were standing together, and had been conversing of Carolina affairs, from whom he had rec'd the Papers, he replied, from the President of the State, I answered, the President of the State, that's extraordinary, Then the Express must have come to him. The President of Congress said nothing and we seperated. in the Evening Durst the Express called on me, I asked him if he had been sent to the Presd't of the State, he answered " No I don't know the Presd't of the State I carr'd all my Letters every one to the Presd't of Congress here the next Door to you["]. Mr. Drayton had Kept the Papers in his pocket till Monday Morning, and when he then delivered them to me in Congress Room I said to him in presence of Col. F. L. Lee, Mr. Drayton you told me on Saturday that you had rec'd these Letters from the President of the State, Yes says he, I thought so. but you rec'd them I find from the Presd't of Congress. Yes I find I did but I thought on Saturday they came from the President of the State—I withdrew full of contempt for Man capable of so much Meanness and Mean Quibbling.

N. B. The President and myself live under one Roof, he sent in the Letter to me from Mr. Gervais. The Dispatches to the Delegates he chose to send in to Walnut Street ² altho I am the Eldest D.³ The first

[199]¹ Library of Congress, Journals and Diaries.

² Fell's entries for the next three days are:

"Saturday 10th Went to Mr. Gills in Bucks County.

"Sunday 11th. At Mr. Gills Very Hott.

"Monday 12th. Returnd to Town. Windy and Cold."

[200]¹ *Essex Inst. Hist. Colls.*, LV. 254.

[201]¹ S. C. Hist. Soc., Laurens Papers, vol. XV. (Promiscuous Letters, 1778-1780), marked, "The Delegates of So Ca In Congress".

² That is, to Drayton.

³ Delegate.

Named in the Delegacy from So Carolina. Moreover he heard Mr. D. tell me he had rec'd the dispatches from the President of the State, and by his silence discovered a consciousness of an unjust and affrontive partiality.

[Endorsed:] Mr. Drayton's and Mr. President Jay's tricks.⁴

202. JAMES LOVELL TO HORATIO GATES.¹

April 13th 1779.

Dear Sir

I do not like Post Conveyance well enough to continue my former Topic. I will only say that the Figures which Doct'r G—— left unexplained were to designate *the Plenipo* whose Spittle does not fall to the Ground.²

I hope you are situated more *en militaire* than you was lately. I do not perhaps know all the moving Causes of your Destination. But you must meet with many more unpleasing Turns than I am yet acquainted with, before I shall place a single Pavement to lead you to your Farm. Let us not thus forward the Views of ill designing Men. They must be *watched*, not *left* to play their full Game.

⁴Although this statement is marked as if addressed to the delegates of South Carolina, it is scarcely probable that it ever left Laurens's hands. He and Drayton were at that time the only delegates from South Carolina in attendance.

The following memorandum of Moses Young, who had served as Laurens's secretary when he was President of Congress, is indicative of the relations between Laurens and Drayton in this period. It is in S. C. Hist. Soc., Laurens Papers, vol. XV.:

"Philadelphia 10th March 1779

"In the Month of May 1778 The Honorable Henry Laurens Esquire then President of Congress, proposed to me that I should act as Secretary to the South Carolina Delegation besides doing my duty in his Office, and therefore desired that I would wait upon Mr. Drayton at his lodgings some time that Evening, which I did, when he gave me the rough draught of a long letter in his own name, to be sent to different parts of South Carolina, and directed me to make one and twenty Copies of it, with all possible expedition. I immediately set about it, but found it was impossible to do so great a quantity of writing * in the short space of time which Mr. Drayton seemed to think was sufficient; besides, he made several alterations and a considerable addition to it after I had finished a number of Copies, so that I had the whole to begin again. In this manner I was entirely employed for several days, Mr. Drayton sending repeatedly for me, and complaining that the work was not finished, The President having writing for me to do, and finding my time wholly taken up by this business, desired to see the Letter, which when he found to be a private one, forbid my further attendance on that Gentleman, expressing his surprise that Mr. Drayton would attempt to employ me in copying his own private Letters, to the total neglect of my principal duty, when he (Mr. Drayton) knew perfectly well that the intention of the President in giving up so much of my time, was, that I should Copy such Letters and other Papers only, as was done in the name of the South Carolina Delegation.

MOSES YOUNG.

"N. B. I satisfied the Young Gentleman who assisted me, but have never receiv'd my compensation from Mr. Drayton for that nor my own trouble.

"* With Mr. Drayton's permission I employed a Person to assist me in making those Copies, who was very closely employed at it for two days."

[202]¹ N. Y. Hist. Soc., Gates Papers, XIV.

²The reference is to the phrase in cipher, "Lickspittles of the Plenipo", in Lovell's letter to Gates Mar. 1 (no. 113, *ante*). In the same letter (omitted passage) Lovell wrote, "Ask Dr. Joseph Gardner, one of my best earthly friends, to let your clerk copy an alphabet which he had from me". The alphabet was doubtless the key to the cipher.

203. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA April 13th 1779

Sir,

We have the honour to acknowledge the receipt of yours of the 11th and 15th of March.² Notwithstanding it is so long since they were wrote yet they did not come to hand until the last evening owing perhaps to the Route of the post being alterd.

We shall embrace the first favorable opportunity for laying the requests of the State before Congress, and will hope they will be complied with.³

Congress have under consideration further measures for the defence of South Carolina. They have recommended to that State to purchase and form two battalions of black men, the purchase money to be paid by the Continent.⁴ They have also recommended to the States of Virginia and North Carolina to inlist a body of militia for the defence of the Southern States, the bounty money to be paid by the continent etc. These examples will be in favour of the application of our State; but the large Sums of money which this bounty, and the bounty for recruiting the quotas of the Several States, the purchase money before mentioned, and the necessary supplies for the main army require will be in our way. However we shall exert our best abilities on this occasion, and if we cannot command Success we will endeavor to deserve it. . . .

Yr Excellency's most obedt. Servts,

WILLIAM ELLERY

JOHN COLLINS

204. JOHN FELL, DIARY.¹

Tuesday 13th Commercial Committee. Congress. A Number of Letters, Reports of Committees etc. etc. Report from the Treasury to be Printed P M. Marine Committee

Wednesday April 14th 1779. Commercial Committee Congress. Sundry Letters Read. On Motion for supplying the Officers with sundry articles at the Price things were when they Entered the Service and whether by the State they belong to, or by Congress long Debate.

205. THE MASSACHUSETTS DELEGATES TO THE PRESIDENT OF THE MASSACHUSETTS COUNCIL (JEREMIAH POWELL).¹

PHILADELPHIA April 14th 1779

Sir

Mr Cumberland Dugan having represented to us, that he was authorized by the Board of War of Massachusetts Bay to purchase a Quantity

[203]¹ R. I. Arch., Letters to the Governors, 1778-1779, p. 86.² The letters are in Staples, *R. I. in Cont. Cong.*, pp. 212, 214.³ See no. 214, *post*.⁴ See nos. 142, 159, 163, 168, 183, *ante*, 375, *post*.[204]¹ Library of Congress, Journals and Diaries.[205]¹ Mass. Arch., CC. 397 (in the writing of Gerry, with small emendations by Lovell).

of Flower in Virginia and Maryland on the publick Account, and that he could not pass the Notes issued by the Treasurer of the State for that purpose, We have requested Michael Hillegas Esqr. continental Treasurer to exchange sixty thousand Dollars agreeable to the Tenor of the inclosed Copy of a Letter to him, in Expectation, that the honorable assembly will approve thereof, and authorize a proper person to receive the Notes so exchanged in Part payment of the Warrant issued the 5th Instant by Congress in Favour of the State for one hundred and fifty thousand Dollars.

Mr Dugan having also informed us, that the executive Council of Maryland had refused to permit him to export Flower, unless upon the express Application of the executive Council of Massachusetts Bay, We have this Day applied to Congress on the Subject. To remedy the Objection, they have passed the Resolution inclosed; notwithstanding which, it may be expedient for the honorable Council to transmit to Mr Dugan such an Application to prevent further Delay.² . . .

We remain, etc.

SAMUEL ADAMS
E. GERRY
JAMES LOVELL
S. HOLTEN

206. JOHN FELL, DIARY.¹

[April 15, 1779.]

Thursday April 15th. Commercial Committee Congress. Letter from Major Genl. Lincoln March 7, per His Aid Major Mead. Letter from President Reed and the Resolves, relating to the Conference between the Congress and the Executive Council and Assembly of the State of Pennsylvania to be Printed.² Memorial from Sundry Surgeons and Doctors, Referred to the Medical Committee. Letter from Lt. Governor of Virginia Recommending Coll. Bland to be allowd a Table, Refer'd to the Delegates of the State. President Reed sent in a Letter from St. Eustatia with an acct. that Spain had acknowledgd the Independence of America. Report of the Board of Warr, Relating to the Regulating Waggon, Not determind Order of the Day for Consideration on foreign affairs which occasion long Debates, and to very little Purpose

Dr. Wetherspoon at Congress. (Dined w'th Mr. Lewis) P M Marine Committee.

² See the *Journals*, Apr. 14, and no. 230, *post*. A letter on the subject from the Massachusetts delegates to the governor of Maryland, Apr. 16, is in Md. Hist. Soc., Red Book, V. 21, a copy is in Mass. Arch., CC. 403. A letter from Dugan to S. P. Savage, Apr. 20, relative to his mission, is in Force Trans., Mass. Recs., Letters (2d ser.), p. 501. Letters from the delegates to Michael Hillegas, Apr. 14, 26, on behalf of Dugan, are *ibid.*, p. 504.

[206]¹ Library of Congress, Journals and Diaries.

² See the *Journals*, Apr. 14, 15. With the report of the joint committee (the "points stated", etc.), in Papers Cont. Cong., Misc. (*Journals*, Apr. 15), are the "Resolutions reported by the com^{ee} appointed to confer with the joint com^{ee} of the legislature and council of Pensylva. April 14, 1779. The last acted on" [Thomson's endorsement].

207. HENRY LAURENS TO JOHN LAURENS.¹

PHILADELPHIA 16th April 1779.

My Dear Son,

. . . . The Delegates of North Carolina have continued perfectly silent since my address to them of the 8th altho' I know they had essayed a reply. but second thoughts are sometimes best. for two or three days they seem'd to gnash, placidity followed and yesterday free conversation and harmless.

These Gentlemen have roused me to look into the business which was the ground of their first rude resentment. I have discovered such records as had not been thought of by any body else, or to speak more certainly, had not been introduced, and I am confirmed in my original opinion. Justice and sound Policy, forbid receding from the Vote which has given those Gentlemen offence Expediency and necessity, which I do not admit, may with equal propriety, be urg'd as good reasons for surrendering our Liberty and Independency. I had viewed the detention of the Convention Troops, in the light of a great stroke and as great a trial, the Resolution of the 22d April 1778, another. this like the Sailor's gale of Wind, feels the heaviest but I am confident I shall weather it.²

It having been intimated to Mr. Langworthy that he had been sitting in Congress the last two Months without authority, he first examined very narrowly his old credentials, then said he had a new appointment at home, but has not exhibited his appointment, nor himself since the 12 or 13th Inst. If it should be, as we believe it to be, that he has not a new mission, what shall be done with that Gentleman's important Yeas and Nays from the ,³ of February last? some people are so ill natured as to say, what I will not at present repeat.

[207]¹ L. I. Hist. Soc., Laurens Papers. Addressed, "Lieutt. Colo. John Laurens South Carolina".

² See no. 197, *ante*.

³ Langworthy's election was Feb. 26, 1778, "for the year ensuing". The credentials are in the *Journals*, under July 13, 1778. He was probably present Apr. 12, for he obtained a warrant on the treasury that day. His name is, however, absent from the one record of yeas and nays of the day. He does not appear to have resumed his seat in Congress. See nos. 256, 401, 443, note 2, *post*.

As these materials were coming from the press Mr. Burton Alva Konkle, of Swarthmore, Pa., brought to the attention of the editor a letter of Edward Langworthy which he had not hitherto seen. It is dated Apr. 5, 1779, was written to John Houstoun of Georgia (at that time a refugee from his own state in South Carolina), and is in the Gratz Collection, Genealogical Society of Pennsylvania. The letter was written primarily to introduce Maj. Matthew Clarkson and Maj. David S. Franks, who were proceeding to join General Lincoln; but he remarks:

"I cannot express to you my distress for the misfortunes that have attended the Inhabitants of our Country. It was always my Opinion, that something of this kind would happen, unless decisive measures were adopted against East Florida and I was highly pleased when I perceived that you were convinced of this point. I am conscious of what Efforts you have made to save an unhappy People, the difficulties you have encountered and what Chagrin you must have felt on being disappointed in your expectations—however, I would not have you despair, for I have abundant reason to assert, that I make no doubt of your being again restored to your Country.

"Inclosed I have sent you some Newspapers, and the Resolves of Congress respecting some Negroe Battalions. I should be extremely happy to be favored with a Line from you and you may command me to any thing in my power in this part of America. I

I pray God to give you success in all your laudable purposes ⁴ and to bless you with health

HENRY LAURENS.

208. JOHN FELL, DIARY.¹

Friday April 16th. Commercial Committee Congress Letter from Major Genl. Arnold relating to his being tryd per a Court Martial. Motion to lay on the Table Yas and Nas taken carried in the affirmative. Treasury Report for 1000000 D's to Dr. Potts, strongly opposd all agreed there was great abuses in the Department Yas and Nas taken carried in the Negative. Motion for 800000 Yas and Nas. Negative. Motion then for 500000. Yas and Nas carried in the Affirmative. Report from the Committee of the Post Office Rais'd the Price of Postage double and advanced the Sallerys of the different Officers. P M Marine Committee.²

Saturday April 17th Commercial Committee Congress. Long debate about the manner of Genl. Lincoln's leaving the Southern Army, on account of his Ill State of Health. Motion from the Delegates of Rhode Island to Raise 1500 Men, long Debated etc. etc. Report from the Treasurey for 50,000 D's in speicea to be sent to the Commissary General of Prisoners. Adjourn'd P M. M. Committee on special Business. Dined w'th Mr. Jay.

Sunday April 18th. 1779. Last night very cold and this morning thick Ice. Dined with Moses.³

shall leave Philadelphia with Mrs. Langworthy in a few days, so that if you write, direct to the Care of Charles Thompson Esqr, who will send the Letter to me."

The last sentence here quoted naturally raises the question whether Langworthy's decision to leave Philadelphia was taken prior to the intimation to which Laurens alludes, or in view of it. Laurens's statement gives the impression that Langworthy did not return to Congress after the question had been raised with regard to his right to sit there, although that is not the necessary implication of his language. If he did continue to occupy his seat and to vote for several days after the finger of doubt had been pointed at him, it was an unusual and rather bold proceeding; for in other cases of record, when a doubt arose respecting the authority of a delegate to retain his seat, an explicit expression was sought from Congress. See, for instance, the case of Drayton, *Journals*, Mar. 10. There is a sketch of Langworthy by Mr. Konkle in the *Georgia Historical Quarterly*, XI. 166 (June, 1927).

⁴ See the *Journals*, Mar. 29.

[208]¹ Library of Congress, Journals and Diaries.

² Some accounts transmitted by William Bingham, in a letter of Mar. 27, were this day referred to the marine committee. A paragraph in a letter from Robert Morris to Bingham Apr. 21 was probably written with knowledge of Bingham's correspondence with Congress and of the action taken by that body:

"I confess I am sorry to find you have been obliged to draw bills on France without being properly authorized and fear they will be returned to you unpaid. I have spoke to some Members of Congress on the Subject and they tell me you have reimbursed yourself in part by the Sale of a Portuguese Vessell sent into Martinique as a Prize for which restitution must be made however I believe orders are given in favour of your bills." (Copied from the original, then in possession of Mr. Stan. V. Henkels.) See the *Journals*, Feb. 22, Apr. 12, 16.

³ Presumably Isaac Moses. See vol. III., no. 654.

209. HENRY LAURENS TO JOHN LAURENS.¹

PHILADELPHIA 18th April 1779.

My Dear Son,

. . . . The Marquis Britaigne² who will be the bearer of this is anxious that I should recommend him to Governor Rutledge. that will be done Marquis, in pursuance of an act of Congress by the President. Ah! but I am not acquainted with Mr. Jay.

I then promised him to write to Mr. Gervais and to you although he is personally acquainted with both, which gave him satisfaction; certainly if I were in Charles Town and the Marquis there too, I would shew him every mark of civility and attention, and I am persuaded my friends will answer for me.

This Gentleman's zeal in our cause must have cost him several Thousand *Louis d'ors*, besides much personal suffering; he has been waiting upon Congress almost a whole Year in humble dependence, free from that inquietude which from almost all his Countrymen we have been witnesses of, and yet, there has been great stumbling at a proposition for allowing him 5000. Paper equal to about 400. Silver Dollars, nor did we surmount the difficulty in *one slip*, first 3000, then 2000, carefully adding "he to be accountable". we swallow Camels and strain at gnats.³

Our friend Baron Stüben intimated expectations of pretty large pecuniary compensation, for his expences coming to and in America over and above the pay of Major General, and also for his own expences and those of M'r⁴ Fleury, M'r L'enfant and M'r Duponceau, a Report was thereupon introduced from the Board of War. the whole seemed to me, to be incongruous with his propositions at his arrival in York Town. I was therefore induced to call for certain documents and Papers relative to the subject in order to enlighten such of our Members as would otherwise have been ignorant, but I made no opposition to the Report.⁵ Some busy Body must have taken an advantage of my conduct and misrepresented me to the Baron, otherwise the following dialogue three days ago when he dined with me could never have happened.

What is the reason Mr. Laurens that Congress will not allow me my expences. I told them I was not Rich and I am sure the Committee at York Town promised me. Why "Baron I cannot answer for the conduct of Congress. for my own part I would recommend to you not to press that subject at the present moment. every Member of Congress is sensible of your merit and deserving. I cannot just now so fully assign rea-

[209]¹ S. C. Hist. Soc., John Laurens Papers. Addressed, "Lieutt. Colo. John Laurens Aid de Camp to His Excellency the Commander in Chief of all the American forces—South Carolina"; *S. C. Hist. Mag.*, VI. 140.

² The Marquis de Brétigny. See vol. III., pp. 385 n., 494 n. Wallace, in his *Life of Laurens* (p. 319), attributes the expression, "Ah! but I am not acquainted with Mr. Jay", to Laurens himself. On the contrary, it seems certain from the context that Laurens is quoting Brétigny.

³ See the *Journals*, Apr. 13, 17; cf. *ibid.*, Jan. 5, 7, 12, 20, 22, 27, May 13.

⁴ In each instance here the *M* has a horizontal stroke through it, which is often used by Laurens in abbreviations. The "M'r" before the names of Frenchmen must be understood as standing for "Monsieur", not for "Mister".

⁵ See the *Journals*, Feb. 18, Mar. 29, Apr. 3, 5, 12, 16.

sons, as I may at a future time, but if I were to advise, you would delay your demands until our affairs shall be a little better arranged.

his declarations to me at York Town were that he would expect nothing till the end of the War his running expences excepted—Congress gave him two or four Horses and a commission of Major General, paid all his Expences at and travelling from Boston at York Town etc. etc.

Well replied the Baron, for myself I will take your advice I will ask nothing yet. I will go to the Army and proceed in my duty—but why will they not do something for Fleury and the other young Gentlemen who have assisted me in my work?

Congress Sir, will undoubtedly do everything that is just and reasonable. there is no Man who has a greater esteem and affection for Colo. Fleury than I have, but let us consider a little Baron is not M^r Fleury now within one grade of Generalship. how long must he have served in his own country before he would have arrived at this eminence, with large and honorable testimonials in his pocket.

But my dear Mr. Laurens, Mr. President he cannot live by his appointment, and he must go home if you do not do something for him.

You very well know Baron, the state of our Army and the state of our finances—if the case be so, that Colo. Fleury cannot stay with us unless Congress will do something more for him and that Congress cannot do anything more for him, the consequence will be that he must go home. I shall be very sorry for it.

The Baron, in no small shew of Choler and rage, although in presence of 4 or 5 other guests, answered, Then, I will go home. I will not stay.

O Baron Baron, you had just determined the contrary. excuse me for saying, this is really taking advantage of my candor. you will make me more cautious hereafter if you persist in these sentiments. what else could I have said, speaking as an honest Man. if Colo. Fleury cannot continue with us upon his present appointments and Congress will not because they cannot, with propriety, enlarge them—and he himself points out the alternative, what else could I have said. but I hope, Baron you will not make me answerable for all the determinations of Congress. when I am there I am an individual and speak my sentiments or give my voice without fear prejudice or partiality. I pray you Baron think better of this matter. We went to dinner. the Baron looked grave. I made attempts to raise him. he retired earlier than usual, and if I do not mistake with a consciousness of a little transgression. The Deanites are incessant in their endeavors to raise a dis-esteem for me in the minds of foreigners, but they make no more impression upon mine than they would upon adamant with a Goose quill. I will endeavor to do right, if I do not gain *their* applause, I shall nevertheless enjoy an assurance of having deserved it—to be an honest Statesman produces a Man some troubles, but not so many I believe as attend a dissembling knavish one, therefore I'll pursue the old track. I could recite another conversation with a greater Man than Baron Stuben which would more than equally astonish you, but, *it wont do*, and I think the irregular measures which are adopted are arguments, proving, why it ought not.

When Baron Stüben first addressed Congress he produced a Letter from Mr. Deane announcing him Lieutenant General and Quarter Master General in the King of Prussia's Army, hence I was led to give him the Title of Excellency, in my early correspondence; sometime after he went to camp at Valley forge I was well informed that he had never advanced near the Rank of Lieutenant General. the Baron did not say to me that he had, but he did not disown it. Mr. Deane intimated that at some former time, he had seen his Commissions, but that when he was about to leave Paris in order to embark for America he was not possessed of them, having left them in Germany, and this moment it strikes me, that the Baron might have misconstrued and misapplied my question, How long must Colo. Fleury have served? etc. but upon my honor I had no design to touch him nor, as I have said above, did I ever think of the subject in this light until the present Instant. however if he has committed himself it is not my fault. if he felt anything like an attack, it was from within his own Breast, neither duty nor inclination could possibly have misled me to upbraid a Man with whom I wished to have continued in friendship. but the times are distempered and the Devils of avarice and ambition are indefatigably improving them to their own advantage.

20th

'Tis rumored the Enemy have taken the town of Providence. I do not believe it—You will see the News Papers in Mr. Gervais's hands—tell me if my Country Men wish me to remain here, I dont mean a few of them, but generally.

I pray God bless and protect you

HENRY LAURENS.

210. RICHARD HENRY LEE TO WILLIAM SHIPPEN, JR.¹

SHIPPEN HALL IN 4TH STREET PHILA. 18th April 1779

My dear Sir,

. . . . The party seem long since to have abandoned all thoughts of supporting Deane, but they are determined to sacrifice the Mr. Lees and Mr. Izard to the Manes of their dear unprincipled friend. The doctrine is, that it is too expensive and not necessary to have any Minister at Vienna or Berlin or Tuscany, and that it will never do to *try* a Man in his absence. Therefore we will damn his reputation with a recal, and let him recover it if he can, in the meantime our Junto will be supplied with places. It is in vain to say that thus to destroy the reputations of Men against whom no shadow of offense appears, and who on the contrary have honestly and ably served the public at every risk to themselves, merely to gratify the wishes and accomplish the views of avaricious and ambitious men, will exhibit such an example as must deter every Man who has character to loose, and means to be honest, from entering into the public service—That so the public business must of necessity be committed to

[210]¹ *Letters* (ed. Ballagh), II. 44.

unprincipled Men, and avaricious plunderers—By the aid of a certain *little great whispering* politician² this point of sacrifice will I think be carried—Fine reward, excellent encouragement to give up all *pro patria*—On a late motion to give a million to the Hospital department much violent debate took place and it was insisted on that infinite abuses prevailed and demanded immediate enquiry—It was alledged that great quantities of Stores were charged for Geese, ducks, chickens etc., etc., etc., etc.—that the wine was all drank by the well, and not by the sick—All this ended in reducing the sum to 500,000 dollars—The Southern *Chief*,³ who you know is a most excellent character, said he hoped soon for an enquiry into the conduct of the Director General and all the rest—Therefore a prospect of encountering so great a personage makes it necessary to say *Cave quod Agis*. . . .

211. HENRY LAURENS TO THE GOVERNOR OF NEW JERSEY
(WILLIAM LIVINGSTON).¹

NEW JERSEY, 19th April, [1779.]

Dear Sir,

. . . . But let us turn Sir, to Congress where you “hope things go on smoothly and that all are patriots in the ancient sense of the word”. Upon my honor Sir, scarce as such jewels are, I believe that taking into consideration numbers and circumstances of wealth real or imaginary, there are as many patriots now on this Land as History can shew to have been in any Country, at any one period of time. Reduce us all to poverty and cut off or wisely restrict that bane of patriotism, Commerce, and we shall soon become Patriots, but how hard is it for a rich or covetous Man to enter heartily into the Kingdom of Patriotism?

As to the “smoothly” I may reply, we are sliding downwards, in which there is no great difficulty. We have learnt to depreciate the value of our Paper by Financeering. One thing may save us. This can only be accomplished by our Constituents. Order the doors to be opened that every citizen may know what his servant is doing, particular cases excepted, or clamour until the Journals are printed and published weekly.

Our Chaplain had so long prayed to God to bless $\frac{C}{us}$ ³ whom he had set over so great a People, as perhaps had intoxicated some of us into an opinion of being actually set over the People, But I gave the Doctor a hint t’other day, and he now prays “for whose service they are appointed”.⁴

² The allusion is evidently to Gérard. See no. 229, *post*.

³ The “Southern Chief” was probably Henry Laurens. He, with William Ellery, John Jay, and Meriwether Smith, voted against even an appropriation of 500,000 dollars. See the *Journals*, Apr. 16.

[211]¹ S. C. Hist. Soc., Laurens Papers, Copies of letters mainly to Laurens, p. 320.

² See the *Journals*, Mar. 31.

³ As written the “C”, stands above “us”, evidently meaning Congress.

⁴ There were two chaplains to Congress, Rev. William White, of the established church, and Rev. George Duffield, a Presbyterian. It was probably the former to whom Laurens alludes. Neither of them had, however, at this time received the degree of D. D.

212. JAMES LOVELL TO HORATIO GATES.¹

April 19, 1779

Dear Sir

. . . . I am in hopes Rh: Island will be allowed to raise a Body of Men for a Year. But they must not be raised on such terms of pay as to give just Cause of discontent to the continental Battallions. I expect great opposition to the Scheme here and at Pluckamin "where the Artillery is".²

You seem to have a deal of News in yr. eastern Gazettes about Peace. where do you receive it from?³ I imagine that we might have it for *asking* for if we would not only give up what we have no claim to, Canada Nova Scotia and the Floridas, with what we *have a right to*. I mean Cod and Haddoc.⁴ But we assuredly have had no Proposals from *Britain*. I admire the Thought of writing the Treaty of Peace with the Bayonett.

I wish you to give every Advice where there is any Chance of succeeding to show Britain that she will hold a *discontented* Province of Nova Scotia.⁵ I hope what we have lately done here may be an entering Wedge to substantial Work. I will be more particular by a safer Conveyance than the Post.

213. JOHN FELL, DIARY.¹

Monday 19th. Apl. Commercial Committee. Congress. Letter from Genl. Green recommending many alterations in his department. Letter from Deane. Letter from Genl. Irwin and other Prisoners Referred to the Board of Warr. Memorial with a Flag from Bermuda for Provision, committed to 3. Vizt. Ellery, Laurens and Fell.² Letter from Major Genl. Schuyler for leave to Resign his Commission. granted, and Recommending Blankets to be sent to the Indians Referred to B'd of Warr.

Report from the Board of Warr Recommending when a Colonel is on Brigade Duty, that he be allowd 6 Rations extraordinary, agreed. Treasury Report for 1 Million for Coll. Flowers's department allowd 500,000 Motion for Rhode Island to Raise 1500 Men for a Year to be allowd the Cloathing etc. and £ 6 per Month and 200 Doll. Bounty Ys and Ns carried in the Negative then 150 D's Ys and Ns affirmative 5 Ys 3 Ns 2 divided. Long Debate.

Tuesday April 20th 1779 Com'l Committee Congress. Letter from Govr. Clinton, that the State of New York would Raise 1000 Men by Drafts from the Militia Order of the Day on foreign Affairs. Very warm loud and long debate, relating to the Commissioners. lasted till 5 oClock. (Dr. Wetherspoon gone home) P M Marine Committee

[212]¹ N. Y. Hist. Soc., Gates Papers, XIV. 228.

² See the *Journals*, Apr. 17, 19, and nos. 213, 257, *post*. Gen. Henry Knox, in command of the artillery, was stationed at Pluckemin, N. J.

³ Cf. no. 163, *ante*, and no. 444, *post*.

⁴ An allusion to the contention for the fisheries in the ultimatum. See nos. 151-153, 155, 189, *ante*.

⁵ Cf. no. 189, *ante*.

[213]¹ Library of Congress, Journals and Diaries.

² See the *Journals*, Apr. 19, 23, May 6, 7, 17, 18, and nos. 222, 253, 279, *post*. Cf. Washington to Jay, Apr. 23, *Writings* (ed. Ford), VII. 415, (ed. Sparks), VI. 227.

214. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA Apl 20th 1779

Sir,

After having made the necessary preparations we moved Congress, agreeably to your direction, on Saturday last. Our motion met with great opposition, owing principally to the States offering an additional pay of six pounds pr. month. If this was allowed it was said that Congress would be obliged to advance the pay of the contl. battalions, which would occasion such a large sum of money to issue as would intirely overwhelm and destroy the sinking Credit of our Currency. We were obliged to submit to an amendment to this purpose, that the said brigade should be "intitled to contl. pay, cloathing, subsistance, and to a bounty not exceeding two hundred dollars." Congress adjourned before the Amendment passed. Yesterday we brought the matter on the carpet again, when the bounty was objected to, it being the same as the bounty given to contl. Soldiers, who should enlist during the War. After much debate it was reduced to 150 doll's, which is the bounty offered by the State. The reason why two hundred dollars bounty was proposed was because that was the bounty which was allowed to the troops to be raised in N. Carolina and Virginia. We imagined that we had got through all our difficulties; but now it was contended that the resolution did not restrain the State from giving the additional pay, and that it ought to be restrained, and therefore an Amendment was proposed—that after approving the raising a brigade, to be cloathed, paid, subsisted and to be allowed a bounty not exceeding one hundred and fifty dollars, words like these should be added, "upon these Conditions, that the State should not give any additional pay to the contl. pay.[""] Here a debate arose which was cont'd until the time arrived for an adjournment. How this matter will be decided or when I cannot tell. We are determined to attempt bringing it on this day again.

While I was writing the last Sentence an Opportunity offer'd. We embraced it but it was obligd to give way to the order of the day. We will continue to urge this matter to a conclusion, until it be finished.

Since this motion hath been on the carpet, We have received a letter from the Lieut. Gov., in which he desires that Congress might determine which they would choose—the Continental battalion should be filled, or the proposed brigade. We have not proposed that Question, because it would, in our opinion, entirely defeat the design of the Assembly expressed fully in your excellency's letter, and we were uncertain whether his Honor's letter was private or official. Mr. Ellery hath written fully to the Lieut. Governor on this Subject and begs your Excellency to be referred, for want of time and on account of the situation he writes in, to that letter.²

[214]¹ R. I. Arch., Letters to the Governors, 1778-1779, p. 88; Staples, *R. I. in Cont. Cong.*, p. 218.

² See no. 203, *ante*, and the *Journals*, Apr. 17, 19, 23, May 3, 4, 7.

We have laid the business of the Alteration of the Route of the Post through our State before the Post office Committee and the Comm^{ee} have directed Mr. Hazard to take measures immediately for the Posts proceeding in his usual route. I saw Mr. Hazard this morning and he assured me that he would immediately pursue the orders of the Committee. . . .

Your Excellencys most obedient humble Servants

WILLIAM ELLERY

JOHN COLLINS

215. HENRY LAURENS, STATEMENT.¹

[April 21, 1779.]²

I the subscriber do Certify, that in a conversation which the Honorable Mr. Gerard honoured me with, at my own House, and which he introduced on Sunday the Decem. 1778, He informed me that Mr. Arthur Lee had given much dissatisfaction to the Ministers at the Court of France by his manner of enquiring into and interfering in transactions at that Court relative to America, that he had at different times discovered such jealousies and suspicions as had obliged the King's Ministers or Mr. Gerard himself to signify to Mr. Lee that his conduct was disagreeable but in other respects Mr. Lee stood fair, that there had been reports circulated of Mr. Lee's too strong attachment to the English and an equal dislike to the french Nation and that such reports had made an impression upon the minds of several persons of Rank about Court and had even reached the King and his Ministers and caused some uneasiness, that the King or His Ministers had thereupon caused the fullest enquiry to be made (had taken the proper means for enquiring) the result of which was, the Court were perfectly satisfied the Reports were groundless. *this was repeated*, as I understood it, to impress my mind.

On Friday 16th April 1779, I received in Congress a Note from Mr. Gerard intimating that he had just called at my House and requesting I would give him an opportunity of speaking one word to me. I immediately waited on Mr. Gerard, who told me he had been informed Mr. Samuel Adams had said in Congress, "he had the highest authority for beleiving that Mr. Arthur Lee was in the full confidence of the Court of France", that he should be sorry to meddle in that matter, but if he was called upon, if he was forced, he would speak out, that he wished to have nothing to do with it, but if he was forced he should declare very plainly what he knew. the same terms were often repeated by Mr. Gerard, in a manner which discovered that he was more than a little affected.

[215]¹ S. C. Hist. Soc., Laurens Papers, vol. XXVI.

² The account by Laurens of his interviews with Gérard is appended to a translation of the latter's statement of Apr. 21 (see under note 3, below), and was no doubt written out in view of that statement. The date, Apr. 16, attached to the second of these statements is understood therefore as merely indicating the date of that interview. Cf. the statement of Richard Henry Lee, no. 217, *post*.

I reminded Mr. Gerard of what he had done me the honor of communicating to me in December, as above recited. Mr. Gerard replied, "you are very right, it was precisely so".

If I understand you rightly Sir, said I, your representations concerning Mr. Lee amount to this—"Here is a Gentleman in my House whose manners do not please the family, therefore it is necessary he should withdraw from it, but if I am asked the cause of the separation, I will not say he is a Rogue, I will say his dispositions were not pleasing to me, I found it therefore necessary we should live under different Roofs, but I believe him nevertheless to be an honest Man.[""]

Mr. Gerard said, "you understand me perfectly and have explained the case according to my meaning." When I was taking leave Mr. Gerard repeated that he should be sorry Mr. Saml. Adams should force him to speak, he wished to have nothing to do in the matter.³ 16th April 1779.

HENRY LAURENS

Remarks.

It is easy to account for the Reports of Mr. A. Lees anti-gallicanism. Mr. Deane was in Paris.

Mr. Lee had, as much as in him lay, been a Check upon Mr. Deane's schemes of private Trade and of too freely fingering public Money

Mr. Beaumarchais, who was in all appearances a Partner of Mr. Deane's was also in Paris, Mr. Lee had also been a check upon him and he could with equal facility and Success, help Mr. Deane to circulate Reports.

³ According to the information of Paca and Drayton presented in Congress Apr. 30, Samuel Adams asserted in Congress, Apr. 15, "as from the highest authority in America", that Arthur Lee was "possessed of the confidence of the Court of Versailles" (see also no. 216, note 1, *post*). Gérard was evidently "forced to speak out" and accordingly addressed to Samuel Adams the following signed statement:

"The undersigned certifies that in a conversation which he had the honor of holding, sometime after his arrival at Philadelphia, with Messrs. Colo. Lee and Samuel Adams, the latter spoke to him of reports which circulated that Mr. Arthur [Lee] was Antigallican and averse from the Alliance of France with the United States; that the answer of the Underwritten was that in fact a great number of persons, among whom were some of distinguished rank, were persuaded of it, and had strove to inspire the Kings Ministers with the same sentiments. That the Underwritten had recounted to Messrs. Lee and Adams the principal facts upon which that opinion was founded. But that the Ministers of his Majesty had not adopted that mode of thinking in regard to the attachment of Mr. Arthur Lee for the cause of America and for the Alliance. It is proper to add that there was no mention, in that conversation, of the confidence, or of the full confidence, of the french Ministry in Mr. Arthur Lee.

"Mr. Samuel Adams may at his will make such use of the present certificate as he shall judge proper. At Philadelphia the 21st of April 1779

" (S. S.) GERARD

" True Copy

" R. H. Lee.

" Mais que le Ministère de sa Majesté n'a pas adopté cette façon de penser sur l'attachement de Mon'r Arth. Lee pour la cause Americaine et pour l'alliance.

" Directed A Monsieur.

" Monsieur Samuel Adams Delege au Congrès de le part de l'état de Massachusetts Bay."

The text here given is that of a copy in the writing of Richard Henry Lee (Univ. of Va. Lib., Lee Papers). The translation in the Laurens Papers uses the word "subscriber" instead of the words "undersigned" and "underwritten", but otherwise differs little from this. Cf. the statement to Burke and Nelson, no. 216, *post*.

Reports were accordingly circulated and had made impressions so deeply as to reach the King.

Mr. Lee to whose prejudices the whispers had gone around, was put into the Court Alembick, what came forth? a Jealous troublesome, but, Honest Man.

Dare Mr. Deane stand such a trial, I should say, such an *ex-parte* Inquisition? No, he has told you he would not answer questions which might tend to criminate himself.

But why was Mr. Lee troublesome? because he checked the unfaithful acts and attempts of Mr. Deane and his Partners, and because he was faithful to the United States of America and insisted upon making a better Treaty with the Court of France than Mr. Deane had submitted to. Mr. Deane was therefore a favorite, a dispicable one indeed! even in the Eyes of those who Palmed him. Mr. Lee was comparatively, a troublesome Man to the french Court; but the French Court do him the justice and the honor of saying, he was faithful to his constituents and that they had found him to be so upon the fullest investigation.

Qu. Who informed Mr. Gerard that Mr. S. Adams had in Congress said, so and so? Mr. Adams had not quoted *Mr. Gerard*, as his authority. Unless therefore some Member of Congress had asserted or insinuated a falsehood, or, if you please, a Lie, to Mr. Gerard, he could have not made the application or drawn the inferences he did in his conversation with me.⁴

[Endorsed:]

Mr. Gerards conversation with Mr. Sam. Adams.

216. THOMAS BURKE, ACCOUNT OF INTERVIEW WITH GÉRARD
RESPECTING ARTHUR LEE.¹

[Ca April 21, 1779.]

I declare upon my honor that I never said one word to any person in this World, neither in Europe, neither in America which would give a Just foundation for asserting that Mr. Arthur Lee had the full Confidence of the Court of France.

Soon after my arrival in America I was questioned on this subject in course of Conversation and in an Indirect manner by Mr. R. H. Lee

⁴ See Wallace, *Life of Laurens*, pp. 320, 325.

[216]¹ N. C. Hist. Comm., in the writing of Thomas Burke. In a report of the proceedings of Congress from January to August, which Burke made to the North Carolina assembly in October (the report will be found under August, 1779, no. 474, *post*) he remarks: "Mr. Burke, in company with General Nelson a delegate from Virginia, paid the Minister of France a visit, in which the Conversation [concerning Arthur Lee] being introduced, the minister delivered himself to the purport which is contained in a paper hereto annexed. Mr. Burke reduced it to writing, and comparing it with Mr. Nelson both agreed that the substance of the Conversation and almost the words were recited." Burke does not give the date of the interview, but states that it was sought in consequence of the declaration of Samuel Adams in Congress (Apr. 15) that he had it "from the highest authority in America" that Arthur Lee "was not denied the full confidence" of the court of Versailles; that he himself had requested Adams to name his authority, and that that gentleman had declined to do so. Burke further remarks that other delegates, impelled by the same motives, made more direct application to the minister, among them Paca and Drayton (see the *Journals*, Apr. 30).

and Mr. Samuel Adams. Perceiving some attachment in them to Mr. A. Lee, and apprehending some thing like a party respecting him to subsist [*sic*], and unwilling to say any thing that might be made use of on either side, I answered with caution and reserve, and only said in general that he was considered as a man of parts.² that this Idea of him was founded more on the reputation he had brought with him from England than on any thing he had done amongst us. several attempts were made to get me to declare whether he had the full Confidence of the Court of France, and I waived answering as much as good manners would permit, and only said generally that the Congress had confided in him, and therefore the Court of France paid him all due respect. in short whatever good I could with Justice say of the Gentleman, I said expressly. when Questions were put to me which might be answered against him, I observed a reserve and silence from whence a man of sense might easily conclude that the answers which must in truth be given to them, if I was pressed to it would not be in his favor. I was determined to this manner of conducting myself in the conversation by my sense of good breeding, and my reluctance to speak evil of any person.

Mr. Saml. Adams afterwards pressed me closely, and directly to this point. finding I could no longer avoid it without rudeness, I determined to be candid and explicit with him, and accordingly delivered myself to him at large upon the subject to the following Effect.³

I must confess that Mr. Arthur Lee was suspected by People of all ranks, and even of the highest in France, of being unfriendly both to France and America, and the Ministry were solicited to exclude him from all Negotiation. The Ministry observed that he was confidentially entrusted by the Congress, and therefore that there ought to be good proof of want of Integrity before a resolution should be taken openly to exclude him. they for this reason desired to know what proofs could be given. the following circumstances were then adduced, and much Insisted on. Mr. A. Lee kept up a continued connection with several Principle men in England who were intimate with the Cabinet, those persons came frequently to Paris and conversed with him privately, and unknown to the Ministry, and to his colleagues. he frequently sent his Secretaries and Messengers to London, unknown to his Colleagues and the Ministry, and they returned again without their business or the result of their Journies being known either to his Colleagues or the Ministry. he had no Intimate in France but Count Loriga⁴ who was a man of high spirit, high fortune, and high birth, and from the misfortune of some malady or disappointment had conceived great disgust against the French Court, Ministry, and Nation, had removed his Fortune chiefly into England, had connected himself with Charles Fox, and several of the English Politicians and usually railed against France in the manner of the most enraged Englishman. this man was generally observed to speak of the Conver-

² The words "which he had given proof of rather by what his" are here erased.

³ See Gérard's statement to Samuel Adams, no. 215, note 3, *ante*, and the statement of Richard Henry Lee, no. 217, *post*.

⁴ Louis Leon Felicité de Brancas, Comte de Lauraguais. See no. 217, note 4, *post*.

sations which Mr. A. Lee had had with the Ministry, and to publish the particulars without reserve, also to use the same angry and contemptuous Language which Mr. A. Lee had been frequently hear'd to use against the French Nation and Ministry.

The Ministry however considering all these circumstances did not think them proof sufficient to warrant their excluding a man who had been trusted by Congress from all knowledge of the Negotiations which related to them, and the Count ———⁵ observed that he found there was some things which he had communicated to Mr. A. Lee which he found Count Loriga was not informed of, and he therefore Concluded that Mr. A. Lee observed some reserve to this Indiscreet man and that he might still be safely trusted with some confidence.

Mr. Laurens also conversed with me on this Subject, and I observed the same Conduct as I did in conversing with Mr. Lee and Mr. Adams. Mr. Laurens observed it, and told me he saw I was willing to say all the good I could but no evil.⁶

upon the whole the conclusion that Mr. A. Lee had the full confidence of the Court of France could only be drawn from my not denying it positively which good breeding, and a reluctance to say any thing which might be used by his Enemies, if he had any, against him, prevented me from⁷

[Endorsed:] Conversation with Minister of France in presence of General Nelson relative Arthur Lee.

217. RICHARD HENRY LEE, STATEMENT.¹

[April 21, 1779?]²

At the time that Mr. Adams and R. H. Lee waited on Monsr. Gerard the Minister plenipotentiary of France to the United States in order to notify him of the time and place of his audience of Congress³ after the immediate business of the Committee was over and other conversation being taken up, Mr. Adams observed that he was concerned to find it had been reported that Dr. Arthur Lee was Antigallican—Since he was known here to have been among the earliest and firmest opposers of G. Britain. On which the Minister replied to this effect. I assure you gentlemen it is not the opinion of the Court of France that Mr. Lee is Antigallican. There have been some idle people who have talked in this manner, and the reason was supposed to be, because Dr. Lee was intimate with Count Languois [Lauraguais] with whom he came frequently to Court. That the Count was a Man of fortune and very talkative, that he was frequently speaking on American subjects, and the proceedings of the Court

⁵ Vergennes.

⁶ See no. 215, *ante*.

⁷ The manuscript as it now exists ends here, but a part of it may be missing. See the Paca-Drayton Information in the *Journals*, Apr. 30, and no. 240, *post*. [217]¹ N. Y. Pub. Lib., Samuel Adams Papers (in the writing of Richard Henry Lee); *Letters* (ed. Ballagh), II. 43 n.

² This account by Lee of the interview with Gérard, like that of Laurens, was probably drawn up in view of Gérard's statement of Apr. 21 (see no. 215, and note 3, *ante*).

³ The committee, consisting of Richard Henry Lee, Samuel Adams, and Gouverneur Morris, was appointed July 14, 1778, and reported to Congress July 16.

relative thereto. But as Men of information discovered that in all the Counts conversations he never hit upon the true designs of the Court, so they were satisfied that what he said was, merely the conjectures of his own mind and could not come from Dr. Lee, who being well informed, if he had made communications to the Count, his frequent conversation must sometimes have discovered the truth.⁴

218. JOHN JAY TO GEORGE WASHINGTON.¹

PHILADELPHIA 21 April 1779

Dear Sir

Accept my Thanks for the long and friendly Letter of the 14 Inst.² which I have had the pleasure of receiving from you. It was for many Reasons grateful to me. I value the Esteem of the wise and virtuous, and had wished to know the particulars of Transactions, respecting which only vague and unsatisfactory Reports, had come to my Knowledge. Delicacy forbid my breaking the Subject to you when here. I was sure of your Politeness, but not certain of a more than usual Degree of Confidence. The latter has now become manifest, and permit me to assure you it shall be mutual.

The Impression attempted to be made, has not taken. It passed without a single Remark. Your Friends thought it merited nothing but Silence and Neglect. The Same Reason induced me to take no Notice of it in my Answer.³

I have perused the several Papers with which you favored me. The Delicacy, Candor and Temper diffused thro' your Letters, form a strong Contrast to the Evasions and Design observable in some others. Gratitude ought to have attached a certain Gentleman to the Friend who raised him. A spurious Ambition however, has it seems made him your Enemy. This is not uncommon. To the Dishonor of human nature the History of Mankind has many Pages filled with similar Instances; and we have little Reason to expect that the Annals of the present, or future Times will present us with fewer Characters of this Class. On the contrary there is

⁴ In a letter to the committee of secret correspondence Aug. 18, 1776, Silas Deane relates the following from a conversation with Vergennes: "He then told me that the Count Laureguais was perhaps a well-meaning man, but not sufficiently discreet for such purposes as this; that Mr. Lee (meaning Mr. Arthur Lee, of London) had confided, he feared, too much in him, and wished me to caution him on the subject, and that if I would write to him he would inclose it in a letter of his by a courier that evening" (Wharton, *Rev. Dipl. Corr.*, II. 118). A letter from Arthur Lee to Deane, July 28, 1776, accepting Deane's caution with regard to communicating with Count Lauraguais, is among the Auckland MSS. (Stevens Facsimiles, no. 469). A testimonial from Lauraguais, Feb. 8, 1778, relative to a conference between Lee and Beaumarchais, was transmitted by Lee to the committee of foreign affairs Feb. 15, 1778 (Wharton, *Rev. Dipl. Corr.*, II. 494, 495). See also the note on "Lamargais", *ibid.*, I. 390. Cf. nos. 240, 244, 250, *post*.

[218]¹ Library of Congress, Letters to Washington, XXXI. 367; *Letters to Washington* (ed. Sparks), II. 268; *Corr. of Jay*, I. 204.

² Washington's letter to Jay Apr. 14 is in *Writings* (ed. Ford), VII. 393, (ed. Sparks), VI. 214; *Corr. of Jay*, I. 196.

³ Jay had sent to Washington Apr. 6 an extract of a letter from General Gates to the President of Congress Mar. 15 (read in Congress Apr. 5), in which Washington thought Gates had sought to make an impression on Congress unfavorable to him. The extract of Gates's letter is in Washington's *Writings* (ed. Sparks), VI. 214 n.

Reason to expect they will multiply in the Course of this Revolution. Seasons of general Heat Tumult and Fermentation, favor the Production and Growth of some great Virtues, and of many great and little Vices. Which will predominate, is a Question which Events not yet produced, nor now to be discerned, can alone determine. What Parties and Factions will arise, to what Objects be directed, what sacrifices they will require and who will be the Victims, are matters beyond the Sphere of human Prevision. New Modes of Government not generally understood, nor in certain Instances approved, Want of Moderation and Information in the People, Want of Abilities and Rectitude in some of their Rulers, a wide Field open for the Operations of Ambitious Men, raised from low Degrees to high Stations, and rendered giddy by Elevation and the Extent of their Views, Laws dictated by the Spirit of the Times, not the Spirit of Justice and liberal Policy, Latitude in Principles as well as Commerce, Fluctuation in Manners, and public Counsels, Suspension of Education, indifference to Religion, and moral Obligations etc. etc., are Circumstances that portend Evils which much Prudence Vigor and Circumspection are necessary to prevent or controul. To me there appears Reason to expect a long Storm and difficult Navigation. Calm repose and the sweets of undisturbed Retirement, appear more distant than a Peace with Britain. It gives me Pleasure however to reflect that the Period is approaching when we shall become Citizens of a better ordered State; and the spending a few troublesome Years of our Eternity in doing good to this and future Generations is not to be avoided or regretted. Things will come Right, and these States will be great and Flourishing. The Dissolution of our Governments threw us into a political Chaos. Time Wisdom and Perseverance will reduce it into Form, and give it Strength Order and Harmony. In this work you are (in the Stile of one of your Professions) a *master builder*, and God grant that you may long continue a *free and accepted* one.

Thus my dear Sir! I have indulged myself in thinking loud in your Hearing. it would be an Hybernicism to say in your Sight though in one Sense more true. It is more than probable that I shall Frequently do the like. Your letter shall be my Apology and the Pleasure resulting from Converse with those we esteem, my Motive. I am Dear Sir with perfect Esteem and Regard

Your most obedt. Servt.

JOHN JAY.

219. JOHN FELL, DIARY.¹

[April 21, 22, 1779.]

Wednesday 21st April. Commercial Committee Congress. Motion made per R H Lee and Seconded per Mr. Carmichal, the doors of Congress should be open some very severe remarks on the impropriety of the motion, agree'd to Committ it to 5 vizt. Mr. Lee, Mr. Adams, Mr. Lovell, Mr. Laurens and Mr. Ellery. Letter from T. Payne (lay on the Table) Order of the Day for foreign Affairs. Report of the Committee

[219]¹ Library of Congress, Journals and Diaries.

that all the Commissioners be Recall'd amended per seperating the names, and that the Name of Dr. B. Franklin Minister Plenipotentiary be first put. long debate about his Carractor, till 4 oC and then adjourn'd

*Thursday 22d Apl.*² Commercial Comm. Congress Letter from Genl. Mullenburgh about Rank Do. from Colonels Van Courtland and Gansevoort abt. do. Referr'd to the Board of Warr. Letter from Genl. Washington. Do. from Genl. Green in Town, Referr'd to Whipple, Morris and Armstrong. Judge McKean.³

Order of the Day on foreign affairs. after long debate till Past 4 the Question was put whether Dr. Franklin should be Recall'd. Yas and Nas. Car'd in the Negative P M Marine Committee

220. WILLIAM HENRY DRAYTON TO THE SECRETARY OF THE PENNSYLVANIA COUNCIL (TIMOTHY MATLACK).¹

Sir,

In obedience to the order of Council this day published, I do without delay return into your hands the first and second Vols. of "State Tracts" which I had removed from the State Library, where I had not time to use them to my lodgings where, after Congress hours, I had time to turn them over with attention.

These are the only books which I ever removed from the Library. If I could have thought that such an use of the Books would have given offence, I should not have taken such a liberty. However, I shall not repeat a conduct which I find is disagreeable.²

Eleven, A. M. April 22nd, 1779.

221. CHARLES THOMSON, STATEMENT.¹

April 22, 1779, I was called out of Congress Finding Mr Paine at the door I asked him what is your pleasure? On which he said I sent a letter

² Samuel Holten's entry in his Diary under Apr. 22 is: "I dined with the Chief Justice of the State of Pennsy^a. Congress sit late." (*Essex Inst. Hist. Colls.*, LV. 254.) The chief justice of Pennsylvania was Thomas McKean.

³ This doubtless means that McKean attended. There is such an entry in the *Journals*, although it stands erased, and McKean is twice recorded as voting that day. According to Fell's Diary of Apr. 23 (no. 222, *post*) the motion of Samuel Adams for the cancellation of the entry was defeated, therefore the erasure would appear to be an error. With the exception of what must have been a very brief attendance Apr. 22, McKean has no record of attendance between Feb. 24 and June 11.

[220]¹ *Pa. Arch.*, first ser., VII. 328.

² Matlack replied the same day: "The State Tracts came to hand. It was not the intention of Council to prevent the delegates of Congress from the use of the State Library, but so great a number of books being abroad, without any account of them, it became absolutely necessary to publish them, in order to call them in. I shall, without hesitation, at any time, send you any books you shall have reason for" (*ibid.*, p. 335). Following is the council minute referred to:

"WHEREAS, divers books belonging to the State Library are missing, and there is reason to apprehend that the same are in the hands of persons who have had recourse to the said Library, and who have neglected to return them, therefore

"Ordered, That Public notice be given to all persons having Books belonging to the State, to return the same to the Secretary without delay, otherwise the Council will be induced to think they are detained from improper motives, and to take further measures for the recovery of them" (*Pa. Col. Recs.*, XL. 755).

[221]¹ Library of Congress, Papers Cont. Cong., no. 55, f. 59. This memorandum is also found in the *Journals* (ed. Ford), p. 500.

yesterday to Congress, is there any answer or have Congress given any answer? I answered, No.

This is all that passed, and on which Mr Paine says, On enquiry of Mr Thomson your secretary I find that no answer is given to any of my letters. etc.²

CHAS THOMSON

April 23. 1779

222. JOHN FELL, DIARY.¹

[April 23, 24, 1779.]

Friday April 23d. Commercial Committee Congress. Mr. S Adams moved that Mr. McKean being Entered on the Journals as attending, might be cancelled and a Debate ensued agreed to stand. Letter from T Payne, and extract inclosed, Read.² Letter from Capt. Albouy Read. Committee

² A letter from Paine Apr. 21, read in Congress the same day, requested that the whole of his letters to Congress pertaining to his case be inserted in the *Journals*. Thomson's quotation is from a letter of Paine dated Apr. 23, read in Congress the same day. The quotation is correct, except that the word "yesterday" should be inserted after "enquiry". Cf. no. 180, note 3, *ante*.

[222]¹ Library of Congress, Journals and Diaries.

² In a postscript to his letter of Apr. 23 Paine says: "The enclosed is part of an original letter which was sent to me about a month ago, and if it is of any use to Congress I offer it for their consideration. I never corresponded with the writer, neither have I yet answered it." Below this postscript (signed "T. P.") he adds: "I shall be obliged to any of the Pennsylvania delegates that will return the enclosed to me." The enclosure (which was apparently not returned to him) was probably the fragment in Papers Cont. Cong., no. 55, f. 61, and is as follows:

"Sir, I flatter myself from your writings and conduct that you mean the general good, and I am persuaded that must be promoted by the detection and publication of self-designing men, whether in or out of congress. There has been always in it a party which hath proved a dead weight against the common cause, and who have been aiming to make the most and best for themselves in the contest. I wish that every individual of that party may be fully known; and in order to assist you have sent you the following advertisement

" 'A NECESSARY CAUTION

" "It is natural for many persons to measure a mans principles by his employment: but all citizens have not discernment enough to investigate the designs of artful *Traitors*, who sometimes even pass for the best of *Patriots*. Their public conduct counteracts their real principle, which always speaks its proper language with reserve. I beseech you my fellow Citizens, for your own sake, to be on your guard against *lurking foes*. What would be your apprehensions, for instance, should a Honorable Deligate of Congress for the State of New York have said—Thank God, we of this State hold the *keys* of the thirteen States in our own hands, and it is in our power, to give them up to the king of Great Britain, if they wont secure to us those lands that we so justly claim. The majority of the members of Congress are truly worthy of great veneration; but remember the fate of Cato's virtuous Senate—A word to the wise is sufficient.

" 'AN IMPARTIAL AMERICAN.'

"The gentleman who left this Caution in his own handwriting, and meant that it should be published; told me that the person referred to was Govr. Morris; that he said it before he was chosen a delegate; and that would Congress call upon him, he (the writer) would make oath of it * * he being present and hearing him [this clause is in the margin]. If ever it becomes necessary I am at liberty to declare his name.

"Your last letter (that I have seen), of Feby 13. to Silas Deane has had its effect. The eyes of people begin to open. In a large seaport not far from [Boston] they were rather in favour of Deane, now they are changing. Can you bare a hint. It was said by one of your converts that in the former letters you was somewhat arrogant and took too much upon you, but that there was much less of that cast in your last. This is meant in good

Reported on the Petition from Bermuda for Provision, against granting. the Yas and Nas being call'd and 5 for and 5 agst. the Question was lost. Recommitted. Report from the Committee appointed to Confer with General Green. Rhode Island Motion for Raising 1500 Men long Debate (J. Dickenson from DeLaware) P. M. Marine Committee

Saturday April 24th. Commercial Committee Congress. Letter from the Claimants of the Sloop *Active* being Read, after Debate, Motion to defer the consideration to the 15th Sepr.³ The Assembly for the State of Pennsylvania being to meet in August. Board of Warr Report that Ewing Commissary of Hides, have his Resignation accepted, and continue in Office till another Person be appointed. Recommitted.

NB. Dr. Benjn. Franklin Minister Plenotenary, fixt.

Silas Deane.

Arthur Lee. Court of Madrid (Never has been there)

Ralph Izard Court of Tuscany No use

Will'm Lee Courts of Viena and Berlin No use

J Adams Private.

223. RICHARD HENRY LEE TO JOHN ADAMS.¹

PHILADELPHIA April 24th 1779.²

My dear Sir,

. . . We shall soon transmit our plan for foreign affairs, and in the mean time, we are very impatient to hear from you, not having done so for three months past. We hope Spain will join France which will indeed make decisive work. We are preparing for the ensuing Campaign with all possible vigor, but the enemies and our troops yet remain in quarters this way, and it seems probable that the former will be glad to continue so all the Summer as they have not more than 10 or 12,000 men both in York and Rhode Island, which force, if collected, would not be sufficient to take the field. The enemy has made a successful impression on Georgia this winter, but I consider this in the same light of mere temporary effect, as we have seen all their former operations. Measures are taking to remove them from that State, and tho the Climate wars against us, it will not fight for them.³ I see, with you, the importance of the Confederation, and I am not without hope that it will, eer long, be completed. All have agreed except Maryland, and that State it is thought will come in at the next meeting of their Assembly, which will be in a few months. The

part, and I trust will be so taken. I am glad to find you have got so many secrets, but you have not got all, or reserve them for a further fire. If you know not what I refer to."

The sheet has been severed at this point, leaving only a few of the upper strokes of letters of the next line. The place-name in the last paragraph was originally inserted by the writer and then erased, but "Boston" can be made out with a fair degree of certainty. The writer of the letter has not been identified.

³ See nos. 57 (note 2), 60, *ante*, and nos. 234, 611, *post*. In the *Pennsylvania Packet* of Apr. 22 "An American" (Gouverneur Morris) discusses the case at some length, chiefly from the point of view of the law of nations.

[223]¹ Univ. Va. Lib., Lee Papers; *Letters* (ed. Ballagh), II, 46.

² Samuel Holten records in his Diary for Apr. 24, "Congress adjourned at 2 o'Clock". *Essex Inst. Hist. Colls.*, LV. 254.

³ See the *Journals*, Apr. 10, 13, 17, May 7. Cf. nos. 200, 203, *ante*, 233, 243, 252, *post*.

But why is not this System changed? It is in my opinion convenient to the Family compact.³ The commercial Committee is equally useless. A proposition was made to appoint a commercial Agent for the States under certain Regulations. Opposition was made. The ostensible Reasons were various. The true Reason was its Interference with a certain commercial Agent in Europe, and his Connections.⁴

You will if I mistake not find Mr. Gerard disposed to be open and communicative. He has acquired an extensive knowledge of our Affairs. I have no Reason to believe he will use it to our Prejudice. There is as much Intrigue in this State House as in the Vatican but as little Secrecy as in a boarding school. It mortifies me on this occasion to reflect that the Rules of Congress on the subject of Secrecy which are far too general and perhaps for that Reason more frequently violated, restrain me from saying twenty things to you which have ceased to be private.⁵

The State of our Currency is really serious. where or by what means the Progress of its Depreciation will be prevented is uncertain. The Subject is delicate, but the Conduct of some men really indicates at least great Indifference about it. It will not be many Days before measures having a great tho not immediate Influence on this Subject will be either adopted or rejected.⁶ I shall then have an opportunity of being more particular. I am my dear Sir with perfect Esteem and Regard

Your most obt. Servant

JOHN JAY.

226. HENRY LAURENS, NOTES.¹

[April 26, 1779.]

"Mr. Paca's motion for enquiring of Mr. Gerard concerning the Confidence of the Courts of Fr. and Spain in A. Lee Esqr." ²

³ That is, the interests of the Lee family.

⁴ The "certain commercial Agent" was William Lee. The proposition to appoint a commercial agent for the states is not recorded in the *Journals*, but see the motion of Meriwether Smith Mar. 29 (*Journals*, ed. Ford, p. 390). Efforts had indeed been made as early as the autumn of 1776 to place not only the commercial but all other executive business in the hands of others than members of Congress, and Smith's motion was but symptomatic of the dissatisfaction which had manifested itself from time to time with the prevailing method of doing executive business by means of cumbersome committees of Congress (see vol. II., p. 211 n., vol. III., pp. 168, 239, 379, 403, 476).

⁵ Washington had written: "The rumor of the camp is, that Monsieur Gerard is about to return to France. Some speak confidently of its taking place. If this be a fact, the motives doubtless are powerful; as it will open a wide field for speculation, and give our enemies, whether with or without real cause, at least a handle for misrepresentation and triumph." The rumor doubtless arose from Gérard's letter to Congress Mar. 31 [30] (Wharton, *Rev. Dipl. Corr.*, III. 106). See nos. 103, note 5, 167, note 4, *ante*. Concerning the visit that Gérard was about to make to headquarters, see no. 227, *post*.

⁶ See the *Journals*, Apr. 22, 27, and index, Finance.

[226]¹ S. C. Hist. Soc., Laurens Papers, Promiscuous Letters, vol. XXVIII, no. 5.

² Following this heading, Laurens has given an outline of the preamble to the "Motion of Mr. Paca, seconded by Mr. Burke", embedded in the Paca-Drayton Information found in the *Journals* under Apr. 30 (p. 534), to which he has appended this note, "the above is the substance of the preamble, the following is verbatim the resolution moved for". He then quotes the resolution, "That the Sieur Gerard be requested", etc. (*Journals*, p. 535). The date attached to this item of the Paca-Drayton Information is "April 28, 1779"; but the date attached to these notes of Laurens, and more particularly the further notes of proceedings found under Apr. 30 (no. 240, *post*), show clearly that Paca's motion was made Apr. 26.

26 April 1779. Moved by Mr. Paca. Secon'd Mr. Drayton or Mr. Burke or both long debated. Congress adjourned.

I had moved to put the Question, without debate and I called for Yeas and Nays.

[Endorsed:] Mr. Paca's Motion for inquiring of Mr. Gerard concerning the confidence of the Courts of Fr. and Spain, in A Lee Esqr. and Mr. Gerard's Letter to Congress on appointment of foreign Ministers.

Concerted, the Motion founded on the Letter.

Gouv. Morris. "Some Gent. have enquired who should succeed Mr. Lee if he is recaled

this enquiry will come time enough after we shall have recaled him."

227. GOUVERNEUR MORRIS TO GEORGE WASHINGTON.¹

PHILADA. 26th April 1779.

Dr Genl.

You must permit me most heartily to congratulate you upon the very important Intelligence which Monsr. Gerard will confidentially communicate to you. It is and indeed ought to be a Secret even from Congress for which I need give you no Reasons as you are but too well acquainted with them. Measures have already been taken for obtaining the necessary Supplies which the Minister will detail to you. These you will undoubtedly assist as far as may fall within your Line.²

You will see the Necessity of opening yourself fully to M. Gerard upon your designs and taking with him all proper Measures. . . . You will have the Advantage on this Occasion at least to be sure of your Secrets and indeed such Steps may be taken that in the Ignorance of the Enemy as to the State and Probable State of Things in the West Indies it will be impossible for them to develop the Combination of Incidents so distinct as those which may be necessary at once to fulfill the Object in View and blind them. . . .

228. WILLIAM WHIPPLE TO JOHN LANGDON.¹

PHILADELPHIA 26th April 1779

My Dear Sir,

. . . . The successes of the *Warren, Ranger* and *Queen of France* has given such credit to the M. C.² that we have been able without any diffi-

[227]¹ Library of Congress, Letters to Washington, XXXII. 43; *Letters to Washington* (ed. Sparks), II. 281.

² This letter was conveyed to Washington by Gérard. See the reply May 8 (*Writings*, ed. Ford, VII. 449, ed. Sparks, VI. 249); also Washington to Greene Apr. 24 (*ibid.*, p. 229), and Washington to Gérard May 1, together with extracts from letters of Gérard to Vergennes (*ibid.*, pp. 237-241). Greene had written to Washington Apr. 22 of Gérard's intended visit, again Apr. 24, and on the 26th he wrote: "I dined yesterday with the Minister of France, and find him still determined to set out for camp to-morrow. He sets out at seven in the morning, and intends lodging at Trenton. On Wednesday he will be in camp, if no accident attends him" (*Letters to Washington*, ed. Sparks, II. 273, 279). Upon his return Gérard presented some memorials to Congress touching the questions involved. See Wharton, *Rev. Dipl. Corr.*, III. 156, 161; cf. nos. 253, 255, 259, *post*.

[228]¹ Library of Congress, Force Trans., Whipple, p. 663.

² Marine committee.

culty to obtain a grant of 500,000 for the Eastern Department which will be sent forward as soon as possible. this sum together with the proceeds of the prizes will I hope carry you through the summer. I hope some of those prizes will get into your hands.³

I am sincerely yours
WM. WHIPPLE.

. . . .

229. RICHARD HENRY LEE TO FRANCIS LIGHTFOOT LEE.¹

My dear brother

PHILA. April 26, 1779

. . . . We go slowly on in foreign affairs. It has however been resolved not to recall Dr. Franklin, and so far the party have failed, because the plan was to recall them all to make room.² This day I have heard all the artillery discharged with great vehemence against Dr. Lee, and prodigious aid is derived from the whispers of G——d.³ A doctrine quite new in the history of politics is broached now, which is, that it becomes the dignity, and consists with the interests of Sovereign powers to consult foreign Courts, and less than that, foreign Ministers who the first shall send to represent them abroad. And this altho such resident Minister shall clearly and unequivocally engage in faction, and party doings, to support a Man whose conduct is insupportable. What will such things lead to in the end? I see nothing but disgrace, contempt and ruin. Perhaps the Man⁴ whose understanding, zeal, and spirit, prevented the 12th article from being closed upon this Country may have been, on that account not quite so agreeable, but surely *we* have no cause to complain of him—and to this may be added that an host of plunderers have been disconcerted in the Mercantile way, which has raised a prodigious cry—But this Great evidence⁵ has given it from under his hand that the Court of France did not adopt the sentiments of those who represented Dr. Lee as antigallican or favoring England and being averse to the Alliance. Mr. Laurence said in Congress, the whole convinced him that Dr. Lee was an honest, faithful, able and diligent Servant of the United States. . . .

230. THE MASSACHUSETTS DELEGATES TO THE PRESIDENT OF THE MASSACHUSETTS COUNCIL (JEREMIAH POWELL).¹

Sir,

PHILADELPHIA April 26th, 1779

The repeated accounts which are brought us concerning the Want of Bread in Massachusetts Bay have induced us to promote the Business on

³ Such a grant was made May 11. Cf. the marine committee to the navy board of the Eastern department Apr. 27. Paullin, *Out-Letters*, II. 67.

[229]¹ Harvard Univ. Lib., Lee MSS., VI. 52; *ibid.* Sparks MSS., LIV. 243; *Letters* (ed. Ballagh), II. 49.

² See the *Journals*, Apr. 22.

³ Gérard. In his letter to William Shippen (no. 210, *ante*, Apr. 24) Lee alludes to Gérard as the "little great whispering Politician".

⁴ Arthur Lee. See his letter to Franklin and Deane Jan. 30, 1778, in Wharton, *Rev. Dipl. Corr.*, II. 481. Cf. *ibid.*, pp. 482, 483, 485, 497 (Izard to Laurens, Feb. 16). See also these *Letters*, vol. III., no. 590.

⁵ That is, Gérard. The allusion is to his statement to Samuel Adams (see no. 215, note 3, *ante*).

[230]¹ Mass. Arch., CC. 415.

which Mr. Dugan was sent by the Board of War, so far as to put into his Hands the remaining Part of the Money which we obtained from Congress on the 5th of this Month. He represented to us that he was at a stand in his purchases for Want of current Money, and that his Prospects of obtaining Flower were now good. It was really on the Score of his Representation of the unserviceableness of the Notes which he brought from Boston that we obtained the Grant from Congress, and we hope that our after proceedings will not disappoint any Views of the honorable Assembly which may have originated from the Information we gave of the Money in the treasury here being liable to their Order. We have thought that we were conducting for the best, under a Pressure of Several Necessities.²

Your most obedt. etc.

S. ADAMS
E. GERRY
J. LOVELL
S. HOLTEN

231. JOHN FELL, DIARY.¹

[April 26, 27, 1779.]

Monday 26. Commercial Committee Congress. A Number of Letters Read etc. Order of the Day, Whether Mr. Arthur Lee should be Recall'd, which Occasiond very warm Debates indeed. continued till 5 oClock. P M Marine Committee. (Dr. Wetherspoon and Dr. Scudder)

Tuesday 27th. Com'l Committee Congress. Petition from General Arnold Letters from S. Deane, Genl. Gates, Genl. Heath, General Washington. order on the Treasury for 2000 Guineas Letter from Lt. Hale,² Committed Auditors 8 D's per Day. Jos Howell Nominated This day too much like many others, spent in Debate to answer no valuable Purpose. P M. Marine Committee

232. JAMES DUANE TO GEORGE WASHINGTON.¹

PHILADA. 27th April 1779

Dear Sir

I beg Leave to recommend the enclosed papers transmitted by Governour Clinton to your Excellency's Attention. As you have full power to conduct the Exchange of Prisoners it is needless to lay them before Congress. Permit me to request your Excellency to favour Governour Clinton with the Directions you may think proper to give on this Subject.²

² See no. 205, *ante*. The delegates had written to the council Apr. 24: "Mr. Purviance informed us that Gentlemen in this City were desirous of purchasing the Draughts of his Brothers on the Board of War; but we thought it more eligible to order the Bills to be negotiated by the Treasurer, lest they should be presented to the Board of War at a Time when they were not in Cash to answer the Draughts. We hope for the Concurrence of the Assembly in this Affair." (Boston Pub. Lib., Chamberlain Coll., E. 8, 42.)

[231]¹ Library of Congress, Journals and Diaries.

² See no. 34, note 2, *ante*.

[232]¹ Library of Congress, Letters to Washington, XXXII. 63.

² See Clinton's letter to the delegates, Apr. 11 (*Clinton Papers*, IV. 710), and Duane to Clinton, Apr. 27 (*ibid.*, p. 761). Washington replied May 3 (draft in Washington Papers). See nos. 273, 277, *post*.

233. RICHARD HENRY LEE TO GEORGE WASHINGTON.¹

PHILADELPHIA April 28th, 1779

Sir,

The inclosed letter from the Lieutenant Governor of South Carolina, committed by Congress to the consideration of a committee of three,² and which, in the name of the committee I have now the honor to inclose your Excellency, will shew you the extremity to which our affairs in that quarter are driving. The Committee find a choice of difficulties in this business, because the reliance on Militia from Virginia having in great degree failed, there appears no remedy but such as will lessen the force you had a right to expect from Virginia for reenforcing the main army. We have no reason to suppose that a greater force than 1400 militia, perhaps not more than 1000 will go from North Carolina, and of the 1000 ordered by the government of Virginia, we learn that not more than 350 have been obtained. In this state of things, the Committee submit to your Excellencies wisdom, and better knowledge of military affairs and intended operations, the following measures.

That the 2000 new Recruits now in Virginia be forthwith regimented and ordered to join the Southern Army. That a sum of money be sent to Colo. Bland, with orders to reinlist the men of his regiment, and proceed without delay to the same destination. If Sir, this plan should meet your approbation, the Committee are of opinion that the sooner it were carried into execution the better.

Your Excellency will be pleased to return the inclosed letter, and the Committee wish to be favored with your opinion of the eligibility of this measure, and if there is a probability of its being soon executed; or what additional or other method may occur to your Excellency for relief of the southern States, which we find by conversing with General Howe (who is just arrived here) demands speedy and powerful assistance.

I have the honor to be, with the highest sentiments of esteem and regard, Sir your Excellencies most obedient and very humble Servant

RICHARD HENRY LEE

234. JOHN FELL, DIARY.¹

[April 28, 29, 1779.]

Wednesday Apl. 28th. Com'l Committee Congress Letter from Bermuda for Indian Corn, Ref'd to the same Committee as the last. Memorial from General Green on behalf of himself and Deputys Referrd to the Committed [*sic*] appointed to Confer with G'l Green Memorial of the Sloop *Active*. This Sloop gives a great deal of trouble. committed to the 15 Sept.² Letter from General Arnold, relating to Papers to be furnished him for his Tryall. A Letter from Govr. Reed, complaining exceedingly

[233]¹ Library of Congress, Letters to Washington, XXXII. 87; *Letters* (ed. Ballagh), II. 52.

² See the *Journals*, Apr. 26, May 7, and nos. 243, 252, *post*. A draft of Washington's reply to this letter, Apr. 30, is in the Library of Congress, Washington Papers.

[234]¹ Library of Congress, Journals and Diaries.

² See no. 57, note 2, and no 222, *ante*.

of Congress with Respect to their Ill useage as a State, and neglect shewn them in a Particular manner, and the Old affair of Genl. Arnold Renewd a very serrious Letter indeed. Motion to Committ it, to the same Committee who held the Conference with the Committee of Council and Assembly before.³ P M Commercial Committee met by order to consult abt. Purchasing a Cargoe of Goods from France NB One Invoice 45 and another 60 for 1 advance.

Thursday Apl. 29th. Com'l Committee. Congress. The chief of this day spent in consideration on the Subject of Finance, and to Tax largely. P M. Thunder Lightening, Hail and Rain Went to Marine Committee No Members.

235. JAMES LOVELL TO BENJAMIN FRANKLIN.¹

PHILADA. April 29th 1779

Sir .

As the Books and Papers of the Com'tee of foreign affairs remain on the Table of Congress to be used in the public Deliberations which still continue upon a fruitful Subject begun last September you do not at this Time receive any official Letter from that Committee. But I will not omit the good opportunity by Mr. Smith,² Son of the Commissioner of the Loan Office here, to assure you individually of my Regards. I hope you have long before now received yr. Credentials as minister Plenipotentiary from the United States. There was a disagreeable Lenton in the public Proceedings at first, and in the sending forward yr. Testimonials afterwards. From this Source it is, I suppose, that confidential Communications have not been made to you by the french Court, so as to furnish matter for yr. Dispatches to Congress, while such have been made to us in another Channel. Sir, it behoves you much to let yr. Constituents hear often from you, lest it sh'd be fully credited among us that there is but one Man in the Universe that can be pleasing to the Court of France as a Minister from hence.³ The Recall of Mr. Deane has given Birth to very singular Writings and measures. You have escaped all considerable Injuries, tho you have been comprehended in some Propositions not altogether honorary, as you will shortly see by the *Journals* which are to be printed weekly. I ought, however, now, to give you the Satisfaction of knowing that the Question about yr. Recall was only a Kind of necessary Consequence flowing from the Adoption of a Fact on which to found a Principle that might destroy the Commissions of Messrs. Lees and Izard particularly Mr. A Lee's.⁴

In my Opinion the improper triplicate Appointment for the Court of France produced, in very natural Consequence, "Suspensions and Ane-

³ See nos. 58, 95, 143, 162, 180, 183, 208, *ante*.

[235]¹ Univ. of Pa., Franklin Papers, III. 15 (copy, in the writing of Lovell); Harvard Univ. Lib., Lee MSS., VI. 54; *ibid.*, Sparks MSS., LIV. 245; Library of Congress, Papers Cont. Cong., LXXIX. 1 (letter-book copy).

² Samuel Smith. See the postscript to this letter and no. 533, *post*. The commissioner of the loan office in Pennsylvania was Thomas Smith.

³ The allusion is to Silas Deane.

⁴ See the *Journals*, Apr. 15-30.

mosities". But these Evils ought not to be made Reasons for depriving the public of the Services of Men whose great Abilities Integrity and Industry may be exerted in distinct Trusts without the like future Inconveniences. Disappointed Views have generated an Implacability against the falsely supposed Cause of that Disappointment. Nothing short of the Ruin of the Reputation of Arthur Lee will glut the malice of a party formed against him by that Spirit of assassinating Innuendo which so eminently governs his Arch Enemy.

I expect to be able in a few days to communicate to you the Decision of Congress in Regard to the other Gentlemen, and some particular Instructions for your own Government. I refer you to the Gazettes for a general State of military Proceedings, and to common Fame for the ill Condition of our Currency.

I am Sir

Your most humb. Servt.

JAMES LOVELL

Honble. Doctr Franklin

P. S. *Sepr. 17* I have only this day heard of the Capture of Mr. Smith, and I do not find by my Memoranda that I have sent any copy of what he carried, which I find to be thus minuted at the time of his sailing, Apr 30th.

4 plic: 7
3 plic: 8 } Hopkinson

my own To J Adams 28th
To A Lee 28
To Doct. Franklin 29
To Jona. Williams 29

Mr. Jay's To Doct. Franklin
To Marq. 'Fayette

Pamphlets and Gazettes to the Doctor

236. HENRY LAURENS, NOTES OF PROCEEDINGS.¹

Thursday 29th April, 1779.

"Resolved therefore that these United States be called upon in addition to the sum required by Resolution of Congress of the 2nd January last for their respective quotas of ——— Million of Dollars to be paid into the Continental Treasury before the 1st January next." vizt.²

Motions were made for filling the blank 1st with fifteen, 2nd eighteen, 3rd thirty. The question to be put on the highest sum.

I rose and said Sir, the largest sum is to be put to question first, it is a very large sum. I perceive I have no Colleague present, and I think it necessary to consult my Colleague before I give my voice for taxing my

[236]¹ S. C. Hist. Soc., Laurens Papers, XV. (copy); *ibid.*, vol. XXVII. (Congressional Letters).

² This resolution appears in the report of the board of treasury (no. IV.), printed in the *Journals* under Apr. 22. See also the *Journals*, May 19, 21. The other manuscript of these notes begins with the paragraph "I rose and said", but above it is this note, "See overleaf the introduction taken from the treasury report".

Constituents so heavily as their quota of thirty Millions will be. I will not take an advantage of my Colleague by calling for the yeas and nays in his absence. I shall therefore move in right of a state for postponing the determination of this question, unless the house will agree to postpone the question more generally.

Having seen my Colleague a little time before take his hat and Cane, I apprehended he had gone home, but it appeared he was only in the Library Room where he was presently informed by J. P³ of what had passed. he came in and sat by me, I repeated what I had said. he replied I leave that matter entirely to you and shall acquiesce in whatever you determine, you know I dont understand these matters so well as you do. then retired again to the Library. I rose again and addressed the Chair:

Sir,

I have had some conference with my Colleague in the business before us. He is pleased to do me the honor of leaving the matter wholly to me, and as it is a subject of great importance, and the transaction devolved upon myself, I find it incumbent on me to deliberate and to take time for reflection, more especially when I consider the present circumstances of my Country. I could for these reasons wish the further consideration of this article may be postponed. it is near our time for adjourning. We may fill up the remainder by reading public Letters and giving away a few Millions under the Report of the Board of Treasury.

The consideration postponed and the House adjourned.⁴

[Endorsed:] Anecdotes on Mr. Drayton's manners on questions for Taxation. Apr. 29.

[The text in vol. XXVII. bears the following endorsement and memoranda:] Minutes on the Motion for Taxing the States 15, 18, or 30 Millions Dollars.

Vide Report of Board of Treasury, Art. No. 4.

Vide additional Note 19th May within.

237. SAMUEL ADAMS TO SAMUEL COOPER.¹

PHILADE. April 29, 1779

My dear Friend

. . . . No Terms have yet been proposd by Britain. She possibly may offer them soon, and her proposals possibly may be insidious and inadmissible. I do believe she is at this Moment employing her secret Emissaries to find out the Disposition of America and what would be her Ultimatum. Should not the People then speak the Language which becomes them and assure her that after so virtuous and successful a Struggle they are determind to demand enough for the Purpose of securing their own internal and external Happiness. This is the Aim of the Revolution and

³ John Penn, delegate from North Carolina.

⁴ *Cf.* the *Journals*, Apr. 29. Further notes on the same subject, May 19 and June 12, are printed under their respective dates (nos. 282, 340, *post*).

[237]¹ *Writings* (ed. Cushing), IV. 148; N. Y. Pub. Lib., Samuel Adams Papers.

the Extent of the Wishes of our good and great Ally, who I dare affirm, is invariably determind not to separte his Interest from that of America, and to support the Cause of the United States as his own. Our Happiness depends upon Independence. To be prosperous we must have an extensive Trade. This will require a respectable Navy. Our Ships must be mannd, and the Source of Seamen is the Fishery. Among those who ought to see the Importance of the Fishery, I am affraid there are some who think that in insisting upon *that* we should insist upon too much. Nova Scotia and Canada would be a great and permanent Protection to the Fishery. But these, say some, are not Parts of the United States, and what Right should *we* have to claim them? The Cession of those Territories would prevent any Views of Britain to disturb our Peace in future and cut off a Source of corrupt British Influence which issuing from them, might diffuse Mischiefe and Poison thro the States. Will not then the Possession of Nova Scotia and Canada be necessary, if we mean to make Peace upon *pacifick* Principles? If we are to have no overtures this year, and Providence blesses us with the *Spirit of Enterprise*, would it not be better for us, provided it be practicable, to wrest those Places from the Hands of the Enemy than trust to the Uncertainty of Treaty? I confess we have a Choice of Difficulties. I pray God we may surmount them all! None however reach the Pinnacle of Eminence and Glory but the virtuous and brave. Adieu my dear Sir. I hope to see and *live* with you shortly; but I shall expect another Letter from you before I leave this Place.

238. FREDERICK FRELINGHUYSEN TO THE SPEAKER OF THE
NEW JERSEY ASSEMBLY.¹

TRENTON, April 29th, 1779.

Sir,

Agreeable to the appointment of the Legislature, I repaired to Philadelphia in the month of January last, and have since that time attended Congress, until the public business entrusted to my care in the county of Somerset rendered my absence unavoidable.

It is needless for me to remind the honorable Legislature, that I did with great reluctance accept of the appointment of a delegate for this state in Congress. I was then sufficiently sensible that the trust was too important for my years and abilities. I am now fully convinced that I should do injustice to my country did I not decline that service.

In doing this, I am conscious to myself that I am actuated merely by motives for the public good, well knowing that whatever may be my abilities, they will be useless to the state in the supreme council of the Nation, and that the other appointments with which the Legislature of New Jersey have been pleased to honor me in the county of Somerset, are more than sufficient to employ my whole attention.

I might add some other circumstances which render my situation there peculiarly disagreeable, but I fear the evils which might arise from my opening myself on this subject, would more than counterbalance any good

[238]¹ *N. J. Rev. Corr.*, p. 155.

it might probably answer. I trust, however, the representatives of New Jersey will not think it impertinent in one who has faithfully endeavored to serve his country, to declare to them that the interests of America loudly call on them for *extraordinary* vigilance.

I shall say nothing respecting the amazing expense of attending Congress, and my inability to support it. I am determined not to complain till the last farthing of my little property is spent in the service of my country; and then, perhaps, I shall have the consolation to see poverty esteemed as the characteristic of an *honest man*.

I conclude with observing, I am particularly moved to wish for a release from the appointment, as it has been hinted to me that my colleague Mr. Fell is exceedingly uneasy that he is so often left alone to manage the weighty affairs of state, and that he has even expressed himself with warmth and temper on the subject in his letters to the Legislature.² I shall only say I am ready at all times to give an account of my conduct to those who appointed me.

I trust the Legislature will take into consideration and gratify my request of being excused from the farther attendance at Congress.

I am, sir, your most obedient and humble serv't,

FRED'K FRELINGHUYSEN.

Hon'ble Caleb Camp, Speaker of the Assembly.

239. JOHN FELL, DIARY.¹

Friday April 30th 1779. Commercial Committee Congress. Order of the day, on the Report of the Committee on foreign affairs. Motion for Recalling Mr. Arther Lee. On which Mr. Paca and Mr. Drayton moved for a Paper being Read and Enter'd, containing a Conference with Mr. Gerrard, concerning Mr. Lees Conduct at the Court of France and Spain. Objection being made caused long and warm debate, on both sides. I moved for an amendment instead of Recalling Mr. Lee, to have his Commission Vacated. debate lasted till near 5 oClock.² P M Marine Committee.

240. HENRY LAURENS, NOTES.¹

[April 30, 1779.]

On the 30th April Mr. Paca observed that congress had agreed to receive such information respecting our Commissioners as any Member might have to offer and had called upon the Members to give in information, that he had in his hand important information respecting the character of the Honble. A Lee Esquire and desired the House to receive it.

² See nos. 159, 160, *ante*.

[239]¹ Library of Congress, Journals and Diaries.

² Samuel Holten's entry for Apr. 30 is, "Congress spent this day debating a motion for recalling Doc'r Lee". *Essex Inst. Hist. Colls.*, LV. 255.

[240]¹ S. C. Hist. Soc., Laurens Papers, Promiscuous Letters, vol. XXVIII., no. 30 (drafts).

after much debate the Paper was read and laid on the Table.² it was remarked that the consideration of that Paper (Signed Will'm Paca, Will'm H'y Drayton) could not take place immediately, because the order of the day was "*to proceed upon the report of the Committee of 13 on foreign affairs immediately after reading the Journals*",³ and that until we had entered upon that business no question but for committing or postponing could be put, that when we had entered upon it, the Gentn. might with propriety call for the reading their information as apposite to the subject. After various opinions had been delivered in tedious debates, it was agreed to proceed upon the Report. The President said "the Question before you Gentn. is whether you will recall Mr. Lee". Mr. Laurens replied, "No Mr. President, the question is, whether the Sieur Gerard shall be requested to give information etc. upon the Motion made on Monday the 26th Inst by the Honble. Mr. Paca, which had been under debate near two Hours when adjournment was called for and carried. what did we adjourn from? surely from prosecuting the business then before us to another day. the day is now arrived, we must resume the consideration of that business". the President acquiesced. Remarkes were then made on the impropriety of the conduct of the Gentlemen who had now produced information from Mr. Gerard on a certain point, while a question was pending, whether such information should be applied for?

N. B.

Mr. Paca's motion was made on the 26th the House adjourned that day at ½ p. 4 P M. Mr. Gerard went out of Town at 9 oC. A M the 27th.

the information therefore which Mr. Drayton and Mr. Paca had obtained from Mr. Gerard must have been delivered them between ½ p 4 Monday afternoon and 9. Tuesday Morning

the Gentlemen, when they heard Mr. Laurens call for the adjourned motion on the 26th Moved for leave to withdraw the said adjourned motion the House in general consented. Mr. Laurens objected and called for the Yeas and Nays the President said, as not one whole State objected, the motion might be with drawn. Mr. Laurens denied the doctrine. he said it could not be determined who objected until the House should be called over, that he had an indubitable right to the Yeas and Nays, which would bring the motion on the Book and that such measures, such extraordinary measures ought to appear to our Constituents. Mr. President made some little objection to the right of Yeas and Nays. Mr. Laurens, who was by no means surprised at the President's leanings, appealed to the Rules, and said nothing less than violence would 'deprive him of his right and that he trusted there would be no appearance of violence in that House. Mr. Duane rose and delivered a soft intriguing address,

² The Paca-Drayton Information is in the *Journals* under Apr. 30. It is also found in N. Y. Hist. Soc., *Collections: Deane Papers*, III. 437; Wharton, *Rev. Dipl. Corr.*, III. 147. There are numerous manuscript copies, e. g., Univ. of Va., Lee Papers; Harvard Univ. Lib., Lee MSS., VI. 55; *ibid.*, Sparks MSS., LIV. 246; S. C. Hist. Soc., Laurens Papers; N. Y. Hist. Soc., Gates Papers, XIV.; Paris, Arch. Aff. Etr., E. U., 10: 60. Cf. nos. 215-217, *ante*, and nos. 244, 250, *post*.

³ See the *Journals*, Apr. 28.

⁴ The other manuscript in the Laurens Papers has "could".

talked of leaving Congress, not because such infamous measures had been adopted and pursued respecting the application to the French Minister, but because, such measures were likely to be properly held up to public view. Mr. Laurens said since he saw Gentlemen were distressed, he was inclined to be good-natured and would not insist upon the Yeas and Nays. the question was then simply put for leave to *withdraw*.⁵ Mr. Drayton's voice was heard in a *Bravado*, No. his sincerity may be determined by his first opinion for *withdrawing*, and by the President's declaration that there was not one whole state against it. the Motion was *withdrawn*. a true Copy of it is however preserved, and accompanies this Memoire; ⁶ Mr. Drayton who has been a very principal actor in these illicit practices with the french Minister [end of MS.]⁷

241. JAMES DUANE TO PHILIP SCHUYLER.¹

PHILAD. 1st May 1779.

My Dear Sir

You may wish to know the Proceedings on your last Letter repeating your determination to resign. They were concise. The President read your Letter among the other dispatches I had not then mine from you on the same Subject: nor was I in Congress. Indeed not a member was apprized of it. On reading your Letter a motion was made to comply with your Request: It was seconded, and passed without a single Remark or Dissent. Thus you have your Wishes.² I feel a strong temptation to expostulate with you on this Subject—but what End will it answer? My Views and Expectations which were honourable for yourself and important to my Country are disappointed: and I own, and feel, the Superiority of the Planet which governs you, over my feeble Star. Here let it rest. It gives me, however, great Consolation that you can still be highly serviceable to your Country, even with respect to military Operations: and eminently so in the Cabinet: In the military by advice, and private Exertions; In Council, by asking your seat in this House to which you can now have no Objection. To retire to private Life, before the war is terminated, you cannot reconcile to your Reputation, or to your Feelings. It is needless to enlarge on a point so evident; and of which you are so good a Judge!

I have nothing material to add, nor time to spare, writing this in the Course of a Debate. present my respectful Compliments to Mrs. Schuyler, the young Ladies, and the whole Circle of our Friends.

242. JOHN FELL, DIARY.¹

Saturday May 1st 1779. Commercial Committee Congress. This day intirely spent in debate, concerning Mr. A. Lee.

Sunday 2d May. Dined with Mr. Steward.

⁵ The other Laurens manuscript has "to be withdrawn".

⁶ Cf. Burke's statement, no. 474, *post*.

⁷ On the reverse of the manuscript is the following incomplete memorandum: "14 the only person willing to venture a considerable".

[241]¹ N. Y. Pub. Lib., Schuyler Papers, no. 554.

² See the *Journals*, Jan. 5, Mar. 18, Apr. 19; also nos. 5, 37, 104, 106, 144-146, *ante*, and no. 352, *post*.

[242]¹ Library of Congress, Journals and Diaries.

243. HENRY LAURENS TO JOHN LAURENS.¹

PHILADELPHIA 2d May 1779.

My Dear Son,

. . . Mr. Girard and Don Juan² are on a visit at Middlebrook. my worthy friend the former Gentleman, has been ensnared by certain Men, into such Acts and concurrences as will hereafter appear as blots in his administration. I am exceedingly grieved by such conduct.³ you know I mention such things in perfect confidence to yourself and Mr. Gervais. . . .

Pray excuse me to His Excellency the Governor for not writing by this opportunity. I have no proper subject at this moment. the Lieutt. Governor's Letters of the 3d and 5th were committed to Mr. Lee Mr. Burke and Mr. Laurens. we have written to General Washington on Carolina business and hope to hear from him this day. we shall hasten a Report and nothing in my power will be omitted for the service and Interest of my Country.⁴ I most earnestly wish she had here a servant more adequate to the Duty. . . .

244. WILLIAM CARMICHAEL, STATEMENT CONCERNING SILAS DEANE AND ARTHUR LEE.¹

The Committee appointed by Congress to examine into the State of their Foreign affairs having thought proper to refer to the underwritten for information on the charges they reported against some of the Public ser'ts abroad, and Some Gentlemen having expressed a desire he should reduce to writing the information he gave the House in his place, when these charges were read, He is induced to indulge their wishes as well as to show more explicitly the reasons which determined his voice on the decision of a question on which he thinks the honor and interest of the United States highly depends.²

He has frequently declared that Mr. A. Lee had not the confidence of the court of France. His reasons for this declaration are among others, that he was repeatedly told this by Messrs. De Beaumarchais, Ray de Chaumont, the Chevalier Grand and his Brother Mr. Grand, Gentlemen who all at various times acted as secret agents between the Commissioners

[243]¹ L. I. Hist. Soc., Laurens Papers.

² The French minister, Gérard, and Don Juan de Miralles, Spanish agent in the United States. See no. 227, *ante*.

³ The allusion is evidently to Gérard's statements respecting Arthur Lee. See nos. 215-217, *ante*.

⁴ See no. 233, *ante*, and no. 252, *post*. The lieutenant governor of South Carolina was Thomas Bee.

[244]¹ Harvard Univ. Lib., Sparks MSS., 49, I. 25 ("Duplicate", in Carmichael's writing); *ibid.*, Lee MSS., VI. 62 (copy), VI. 60 (copy of part); N. Y. Hist. Soc., *Collections: Deane Papers*, III. 440.

² The *Journals*, May 3, quote Carmichael as stating that he had prepared such a paper, with the further record that the paper was delivered in at the table and read. Samuel Holten's record of the proceedings of the day is merely, "Congress sit till five o'clock" (*Essex Inst. Hist. Colls.*, LV. 255). Wharton (*Rev. Dipl. Corr.*, III. 152 n.), after mentioning that this statement was missing from the papers of Congress, then in the Department of State, quotes some remarks concerning it from a letter of Carmichael to Franklin Apr. 22, 1780. Cf. nos. 215-217, 240, *ante*, 246, 250, *post*.

and the court of France, in whose assertions he placed confidence, because he saw that the Court intrusted them with secrets of the highest importance, and because he never found Himself deceived by these Gentlemen in any other information he had the honor to receive from them, while employed by the Commissioners abroad. He was informed and believes, that this want of Confidence arose from information given by Mr. Garnier Chargé des Affaires for the court of Versailles at London. That Ld. Shelburne and Mr. A. Lee left London in concert to visit France immediately after the arrival of Mr. Deane in that Country. He believes that the Court was confirmed in these suspicions by Mr Lees visits to Ld. Shelburne while at Paris, and he knows that several of high rank were alarmed and apprehensive that the secrets of the court would be betrayed from this Connection with the opposition in England, as will appear from the following extract of instructions given by the Ct. D'Estaing to Mr Deane at the very time Ld. Shelburne was at Paris. A copy of the instructions is in the hands of the Underwritten transcrib'd from the Original by Colonel Nicholas Rogers of Maryland and Himself when he received a Message from the Ct. Estaing desiring Him to return it.

"L'unité secrète des enterets qui existe entre la France, l'Espagne et les Americains etant plus grande plus durable plus necessaire que celle qui attache les Anglais de l'opposition au sort de l'Amerique, il en resulte que Monsr Deane doit avoir plus de confiance dans ces deux puissances que dans des particuliers qui ne veulent uniquement que chasser des Ministres pour remplacer. Il semble aussi que sa confiance dans les membres de l'opposition ne doit pas aller jusqu'à leur dire tout ce que la France et L'Espagne font ou promettent de faire; L'esperance de causer une revolution dans le ministre [ministère] anglais sufferait peutetre pour en rendre la publication aussi avantageux au part de l'opposition qu'elle serait nuisible à l'Amerique: rien est plus à redouter que de voir la bonne volonté se changer en mefiance, car en negotiation la mefiance eloigne ceux que l'interet reproche [rapproche]. Il semble aussi qu'il faut soigneusement [evi]ter de compromettre, d'embarasser une grande puissance sur des petits objets [et cela] dans le temps qu'on en espere des grands services. C'est encore sur ce point important que les veritables interets de l'amerique different de ceux du part de l'opposition.[""] This suspicion was farther confirmed by Mr Lees connection with Ct. De Lauregais of whom Ct. D'Estaing speaks in the following manner in the peice [*sic*] above mentioned " Excepté son intime Liason avec Monsr Le Compte De Lauregais, et que l'amitié de ce dernier pour my Lor Shelburne dont l'adresse et les projets sont connus pourrait faire transpirer ce que le Ministre de France voudrait que fut ignoré, sans que cet accident arrivat par la Faute ni par le canal des charge des Affaires de l'Amerique.[""] Mr. Lee Himself was so sensible of this suspicion, that he wrote to Monsr. Le Compte de Vergennes or Monsr Girard on the Subject, which letter was carried by the underwritten to the Bureau for foreignn [*sic*] affairs at Versailles, and Mr Lee received an answer, a copy of which no doubt he transmitted to some one of his correspondents on this side of the Atlantic. Ld. Shelburne is particularly disagreeable to the Bourbon courts, because he formed the desighn [*sic*] of exciting a revolt in Mexico and for this purpose pen-

sioned a French Nobleman, a Major general in the service of France, who had offered his aid to effect this, from his acquaintance with the principal Inhabitants of that part of the New World and the underwritten was informed that the Ct. D'Estaing alluded to this project in the above extract. The honorable notice taken of the underwritten in consequence of the Strong recommendations of the Marquis de la Fayette to his Family and their connections gave him an opportunity of knowing the Sentiments of many persons of high rank and influence and theirs corresponded intirely with what has been before related. The consideration which the underwritten injoyed from their Notice will appear by the letter annexed, which he would have blushed to place on the files of Congress had they not been already loaded with gross misrepresentation of his conduct and as he hopes unmerited Abuse.

The same Gentlemen and others informed Him that Mr. Lee was equally disagreeable to the Ct. D'Aranda, and he knows that the Spanish Minister at the Hague expressed his Chagrin on hearing that Mr Lee was appointed Commissioner to Spain in the Place of Dr. Franklin. Ct. D'Aranda declared that Mr Lees intended visit to Madrid was known to most of the Bankers there, before he quitted the French Dominions, and that this notoriety occasioned the English Ambassador to expostulate with the Spanish Ministry which induced the necessity of sending a Gentleman to meet Him at Burgos. It was well known in England that Mr Lee was gone to Spain, as will appear by the following extract of a letter from Edward Bancroft to the underwritten dated London March 4th 1777

“Mr Sayre is now out of Confinement and desirous of some kind of imployment out of England, probably he will pay our friends a visit. He regrets that Prince Arthur has left France. Ld. Shelburne told Ld. Cambden that he was sent to Spain on acct. of his connection with him Ld. Shelburne.”

The animosities among the Commissioners are so publicly known that the underwritten deems it unnecessary to enlarge on the Subject. He cannot however omit observing that Jealousies and suspicions took place before Mr Lees appointment between that Gentleman and Mr Deane as will appear from a Letter of the Former to the underwritten dated October 1776 a copy of which is in the Possession of the house being put into the hands of the Committee to whom were referd the Letters of Messrs Lee, Franklin Deane and Izard respecting the underwritten. He begs leave to produce an extract of a letter in answer to Mr Lee, in which he endeavored to remove his Jealousies and He appeals to Mr Deane, if he did not write to him about the same time, to remove the cause by writing frequently to Mr Lee.

The extract is as follows from a Letter written from Amsterdam dated Novr. 1st 1776 [“]Believe me My Dr. Sir that any thing which is likely to hurt the common cause gives me as well as yourself much uneasiness. I know no other reason for Mr D——s silence than the busy life he leads or that he trusted while I resided with him he could by my means answer with greater security to you your Letters. I believe no difference

subsists between him and your Brothers in America, what has happen'd since I left Paris, I am ignorant of[""], etc. etc.

The underwritten thought those Jealousies and animosities Disgracefull, because they impeded the transaction of Public Business and because they were so public as to be known to almost Every Frenchman and American who visited either of the Commissioners. Injurious because being known to your Enemies if Doctor Berkenhout is to be credited, they prevented an application to your Commissioners to bring about a reconciliation, untill Mr A. Lee could inform Him that this difference would not render an application ineffectual, or to that purpose Injurious in another way, because Our Enemies were encouraged to prosecute the War on a supposition that these Jealousies and animosities would render our Negotiation at the French Court unsuccessfull. This will appear from the following Extract of a letter from Matthew Ridley to the underwritten dated London Novr. 18th 1777.

"It has already been held out *here* that your Councils are weak, that dissention prevails among you, that Congress in their appointment of Men of such Jarring tempers have discovered a great want of Judgement and that this [cir]cumstance must in time without other assistance effectually ruin your [pla]ns. This is held out without real knowledge or information to spirit the people here in prosecuting the War. In some measure it has its Effect. If so in this State of it, how much more so when they think they have a real foundation " The underwritten is sorry to repeat what abundant Evidence in the possession of the house has already told them of the unconciliatory disposition of Mr Lee. tis sufficient to know that he has disgusted the French [C]ourt his Colleagues Messrs. Franklin and Deane, Messrs. Chaumont Beaumarchais Holker and the two Grands and all men in Confidence of the Court, besides Bancroft, Moylan, Ross, Williams, Jones, Nicholson ³ and many others whom it is needless to mention. The underwritten would be still more sorry to record little anecdotes which would disgrace your files, the Persons of whom they are related, and even the Relater. If however any Gentlemen are *interested* or desirous of farther Information, He assures them on his honor that he will give them in private every satisfaction which such curiosity merits. The originals of the copies produced may be seen by any gentleman who chuses to apply to the underwritten.

The late Debates in Congress on the subject of conversations with the Minister might excuse the underwritten from Commenting on the attempt made to misrepresent his sentiments while abroad. He cannot help observing however that it must appear very Extraordinary that he should say to men whom he scarce knew and saw but seldom, what several of the Gentlemen who were his Friends and Constant Companions at Nantes cannot recollect, altho one of them lived in the house with him for some time. He will content himself with submitting Copies of their letters to Him on the Subject of the extracts and copies of a Letter he received by

³ Edward Bancroft, James Moylan, commercial agent at l'Orient, John Ross, commercial agent at Nantes, Jonathan Williams, Capt. John Paul Jones, and (presumably) Capt. Samuel Nicholson.

Thornton from Mr A. Lee with the answer he returned by the Same Person who staid but two days at Nantes and leave the Candid to Judge whether he could in the temper of mind, he then was, speak in the manner he is represented to have done.⁴

WM. CARMICHAEL

PHILADELPHIA May 3rd 1779

245. JOHN FELL, DIARY.¹

Monday May 3d. Commercial Committee Congress. The Business of this day intirely taken up till 5 o Clock, on the Question of Recalling Mr. A Lee 4 Yeas 4 Noes 4 States Divided. (Dined w'th President Reed[]) NB For his Recall 22 Yeas. Nays 14. R. H. Lee Excused Mr. Plater absent, and Mr. McKean

Tuesday May 4th 1779. Commercial Committee Congress. Letter from the King of France, sent per Mr. Jarrard acquainting Congress, with the Birth of a Princess. A Committee of one Member from Each State appointed to wait on the Minister in consequence, and a Committee of three to write a Letter to the King in answer. A Number of Letters and Memorials Read. The request from Rhode Island to Raise Men for One Year granted P M. Marine Committee.

246. JOSEPH SPENCER TO OLIVER ELLSWORTH.¹

PHILADELPHIA 4: May 1779

Dear Sir

I have Recd. your Favour of the 26: ulto: and thank you for your Intelligence. the Dispatches you mention have not yet come to Congress I Conclude they weare to Monsure Gerrard he has Lately took a Tour to Head Quarters, did not return untill Yesterday. I have very Little Newes to Tell you, we have nothing Late from Europe, no Dispatches from our Forreign Commissioners. Since I came to Congress, much time has been Spent in Congress on Forreign affairs, Chiefly Relative to our Commissioners the great Question has been wheather our Commissioners Should be Recal'd or not. it was prity Soon determined not to Recall Mr. Adams, and after Some day[s'] Examination and altercation the Question was decided in favour of the Continuance of Doctor Franklin as Plenopentiary at the Court of France. after Several days more Spent on the Question Relative to Mr. Arthor Lee the Question being put to the house yesterday twelve States only being present, there was four ayes, four noes and four divided. after this history it will be needless to tell you that the affair of Arthor Lee woonderfully Engaged the attention of the members of Congress. wheather matters will Rest here and Congress will now proceed to finish their Dispatches to their Forreign Commissioners without further delay, is to me uncertain. I wish

⁴ This statement is accompanied in the *Deane Papers* by letters to Carmichael from Henry Newman (Apr. 9) and S. Nicholson (May 2).

[245]¹ Library of Congress, Journals and Diaries.

[246]¹ Harvard Univ. Lib., Sparks MSS., 49, III. 106 (original).

it may be so.² Mr. Shearman arrived here Last Wednesday and is well, presents his Compliments to you. Mrs. Chearman [*sic*] and Family are also well and She also presents her Compli'ts.

Your Most Obedient Servt.

J SPENCER

Hon'ble Oliver Elsworth

247. WILLIAM ELLERY TO THE GOVERNOR OF RHODE ISLAND
(WILLIAM GREENE).¹

PHILADELPHIA, May 4th, 1779.

Sir,

After encountering every obstacle that ingenuity could throw in the way of our motion, and after amendments and postponings without number at length Congress, this minute came to the inclosed Resolution, which was the best that our utmost efforts could obtain.² The post being just about to set out will not admit of our enlarging.

The only news that we have to communicate, is an Annunciation of the birth of [a] princess in a letter from the King of France to Congress with fresh assurances of his friendship. We beg leave to renew our expressions of Regard to the State of Rhode Island, etc., and to your excellency, and to assure you that we are

Your Excellency's most obedt. h'ble servant,

WILLIAM ELLERY.

P. S.—Time will not allow my waiting for Mr. Collins to sign this letter.

248. THOMAS BURKE TO THE SECRETARY OF THE PENNSYLVANIA
COUNCIL (TIMOTHY MATLACK).¹

Sir

A paper purporting, Instructions from the honorable President and Council of the State of Pennsylvania, to their Delegates in Congress, stating some supposed Grievances in their Line of Officers in the army of the United States, was referred to a Committee, of which the Chief Justice of Pennsylvania was a member. upon his declining, or discontinuing his attendance in Congress some time past, the papers which were in his posession have been mislaid, and among them that above referred to. we have for some time delayed reporting in hope of recovering the papers. that hope is now entirely lost, and I am under the Necessity of

² See the *Journals*, Mar. 24, Apr. 15, 20, 22, 30, May 3. Cf. nos. 206, 210, 213, 215-217, 219, 231, 235, 240, 244, *ante*, 250, 255, 295-297, 337, 338, 343-347, 354, 415, 420-422, *post*. [247]¹ R. I. Arch., Letters to the Governors, 1778-1779, p. 92; Staples, *R. I. in Cont. Cong.*, p. 222.

² See the *Journals*, Apr. 17, 19, 23, May 3, 4, and no. 257, *post*. The Statement of the Rhode Island delegates printed in the *Journals*, May 3, puts the date of the motion as Apr. 14, but the *Journals* record the motion as having been made Apr. 17. [248]¹ Haverford College, Roberts Coll., 722.

applying to you for a copy of the Essential paper here described. I request you Sir to transmit me a copy as soon as convenient.²

I am Sir with due respect

Your Obt. Servant

THOS. BURKE

STATE HOUSE May 4th 1779.

Secretary of the State of Pennsylvania

249. JOHN FELL, DIARY.¹

Wednesday 5th May Commercial Committee Congress. Report from the Treasury, relating to the settling the late Commissary General Trunbulls accts. long debate, at last agree'd his Brother be impowerd to settle them. Agreea'd [*sic*] that the Troops Raising in Virginia and North Carolina, with Blands and Bailors Dragoons, be sent for the deffence of Georgia and So. Carolina

Committee to whom was Refferd the Petition of the Inhabitants of Bermuda, Reported for Indian Corn to be sent them, (not determined on). Motion to adjour[n] to 5 oClock, to morrow being fast Day, carried in the Negative

Thursday May 6th. 1779. Fast Day.

250. HENRY LAURENS, NOTES OF DEBATES.¹

Mr. Merriweather Smith who appears in Dunlap's *Packet* of the 6th May 1779, to have call'd for the Yeas and Nays on the question in Congress "shall Mr. Arthur Lee be recall'd" had on a preceding day press'd for the recal of that Gentleman, to the end that he should answer to Charges exhibited against him by Mr. Deane in his Narrative.²

² Dec. 29, 1778, McKean, Burke, and Atlee were appointed a committee on the question of an additional brigadier for Pennsylvania. The matter came before Congress again Jan. 26, through a letter from President Reed, Jan. 20, to the Pennsylvania delegates, when Paca, Root, and Henry were added to the committee. Reed's letter is found in *Pa. Arch.*, first ser., VII. 162, but the instructions referred to are not with it. The committee made a report May 11, and William Irvine was chosen brigadier-general May 12.

[249]¹ Library of Congress, Journals and Diaries.

[250]¹ L. I. Hist. Soc., Laurens Papers; S. C. Hist. Soc., Laurens Papers, vol. XXVIII., no. 6 (copy, in the writing of Moses Young).

² Meriwether Smith's call for the yeas and nays on the question of recall was on May 3 (see the *Journals*, p. 542). The previous day on which he had pressed for the recall was probably Apr. 30, but it may have been earlier. The South Carolina copy has "the preceding day", but the definite article is doubtless an error, as there was no meeting of Congress on Sunday, May 2. The fifth article in the report of the committee of thirteen on foreign affairs (that the appointments of the several ministers be vacated) was taken into consideration Apr. 21, and the vote upon the ministers individually began (with the question of recalling Franklin) Apr. 22. The motion for the recall of Arthur Lee was taken up Apr. 30. The colloquy between Laurens and Smith would appear to have taken place on the day in question. Cf. nos. 215-217, 240, 244, 246, *ante*. In a brief letter to John Laurens, May 4 (L. I. Hist. Soc., Laurens Papers) Laurens wrote, "I gain'd

Mr. Laurens replied that he knew of no charges against Mr. Lee, that there were indeed insinuations, which appeared to him to be frivolous or groundless and some of them to be scandalous as well as frivolous, But that his view being to obtain justice both to the Public and to individuals, he should cheerfully give his voice for the recal of Mr. Lee, provided his accuser Mr. Deane, were detained in America, in order to support what had been call'd his "*charges against Mr. Lee*"

Mr. Smith replied he could not consent to detain Mr. Deane, who might be allowed to pursue his own affairs and to attend when Mr. Lee should be on the spot.

Mr. Laurens rejoin'd, if this be the Gentleman's scheme for harrassing Mr. Lee I shall not consent to his recal. it is not so easy a business as the Hon'ble Gentleman seems to conceive to cross and recross the Atlantic Ocean in a time of War. Mr. Lee and Mr. Deane upon the Gentleman's principle will be reduced to the state of two Buckets alternately going up and down a Well meeting only midway.

On a subsequent day when the same subject was under debate in Congress, Mr. Laurens repeated his former proposition for detaining Mr. Deane, and ad[d]ed "at public expence" and for recalling Mr. Lee

this second overture seem'd to be eagerly embraced and committed to writing by a Gentleman sitting and taking Notes at the lower Table.³

On the Morning of the 4th May⁴ before the question for the recal was put, the Hon'ble Mr. Burke shewed Mr. Laurens a written motion which he said he intended to present to Congress that Morning, to the following effect Vizt. "Resolved that Mr. Deane be ordered not to depart from America until the Hon'ble Arthur Lee shall arrive" etc.

Mr. Laurens viewed⁵ this intimation by Mr. Burke as a challenge or claim of his promise to vote for the recal of Mr. Lee, provided Mr. Deane should be detain'd in America to support his pretended charges, and therefore he observ'd to that Gentleman, that he should certainly keep

another victory yesterday by the fairest means against the most foul and disgraceful attempts".

In Dunlap's *Pennsylvania Packet* of May 6 appears the following communication, unsigned:

"Mr. Dunlap,

"As the following state of Votes on an important question may gratify the curious, I send it to you for publication.

"On the question, Shall Mr. Arthur Lee be recalled? the Yeas and Nays being required by Mr. Smith, . . .

[Here follows a tabulation of the yeas and nays.]

"The Hon. Mr. R. H. Lee, from Virginia, was at his request excused. The Hon. Messrs. Plater, from Maryland, and M'Kean, from Delaware, were not in the House when the question was called."

³ It is not certain on what day Laurens made this proposition, but possibly May 1, as the report of the committee on foreign affairs (presumably on the specific question of Arthur Lee's recal) was resumed that day. (See note 2, above, and no. 255, *post.*) May 24 Burke again brought forward his motion, which was seconded by Laurens. The motion appears in the *Journals* June 10. See note 7, below.

⁴ Laurens must be in error as to the date. According to the *Journals*, the question of recal was put to a vote May 3, with the result of an equal division of the states, and there is no suggestion in the *Journals* under May 4 that the question was resumed that day. Cf. no. 246, *ante*.

⁵ The copy in the South Carolina Historical Society has "received".

his promise if Mr. Deane would obey such an Order of Congress and give security for his remaining in America even by a promissary Letter.

Mr. Burke said "surely Mr. Deane will obey the Order of Congress. what security would you require?"

Mr. Laurens answer'd I question whether Mr. Deane will hold himself obliged to obey such an Order. As to security a written promise by Mr. Deane will satisfy me. therefore make your motion as you please only give me assurance that Mr. Deane will remain here until Mr. Lee's arrival and an hearing in Congress and I will vote for the Recal of Mr. Lee.

Mr. Burke offered his motion to Congress, some debates or remarks on that side of the Room ensued. I⁶ rose to speak to it and said "I should support the Motion provided the House could be assured Mr. Deane would obey their Order I was proceeding and had intended to add, that the assurance of the Honorable Gentleman who had made the Motion or of any other Gentleman on behalf of Mr. Deane that he would not depart from America until further Orders from Congress, would secure my Vote for the Recal of Mr. Lee, but the president, interrupted me by informing the House, that Mr. Burke had withdrawn his Motion."⁷

These are simple facts. Men of Candor and in the least acquainted with the proceedings of popular Assemblies will require no Comment from me. such Men will instantly draw proper conclusions and will not wonder that I refused to join in a persecution.

HENRY LAURENS

for Lieutt. Colo. John Laurens
information and at his disposal
except Publication. So. Carolina.
6 May 1779.⁸

251. THE VIRGINIA DELEGATES TO GEORGE WASHINGTON.¹

PHILADELPHIA May the 6th 1779

Sir,

The inclosed letter² being referred by Congress to the Virginia Delegates we have judged it proper to request of you that you will be pleased to assist us with your advice upon the occasion.

⁶ The South Carolina copy has "Mr. Laurens", and throughout the paragraph uses third personal pronouns instead of first.

⁷ See the *Journals*, May 8, 24, June 10, and nos. 255, 295-297, 337, 338, 343-347, 354, 415, 420-422, *post*.

⁸ The copy in the South Carolina Historical Society has the date but not the signature or the notation following it. It is endorsed, "Memorand'm of Yeas and Nays on the proposition for recalling A. Lee. 6 May 1779". The date is to be understood as that on which the notes were written. There was no meeting of Congress May 6.

[251]¹ Library of Congress, Letters to Washington, XCII, 183.

² A letter from Col. Alexander Spotswood, read in Congress May 4. No further mention of the matter is found in the *Journals*. After some correspondence with Washington in the summer of 1777, Spotswood had offered his resignation (Oct. 9, according to Heitman, *Hist. Reg.*), which Congress had declined to accept (see the *Journals*, Nov. 29, 1777). In the summer of 1778 he began to make efforts to obtain reinstatement (letters to Washington July 16, Aug. 23, Washington to Richard Henry Lee Aug. 9, to Spotswood Aug. 11, in Washington Papers). Washington replied to this letter from the Virginia delegates, May 13, that the reappointment of Spotswood would create trouble in the army.

We see this business involved in circumstances of such a nature as to create much difficulty and embarrassment. On the one side is presented Colo. Spotswoods merit as an Officer his seniority of service, the peculiar situation under which he resigned, and that resignation not accepted by Congress. On the other hand we see a probable discontent in the army, arguments drawn from his resignation, and the measures consequent thereupon such as the Office he held being filled by another, and the new arrangement having passed him by unnoticed.

In this state of things we are puzzled to know what report to make. We could wish earnestly to do justice to Colo. Spotswoods merit and his claims, whilst in doing so, we are unable to foresee the consequent ill effects that may be produced by it in the army from dissatisfied ideas of injured rank. Whether an adequate provision may not be made for him from the circumstance of the new Levies of Virginia (going Southward) which will amount to about 2000 men we cannot be certain.

We have understood from Colo. Spotswood that when that service was over, if any rank given him there should create dissatisfaction in the army, that he would be willing to resign, after having had that opportunity of distinguishing his zeal for the service of his country. But how this can be done, unless by his being created a Brigadier is the question, and what effect this may have on the arrangement and in the sentiments of the army we are greatly at a loss to judge. We wish exceedingly to be favored with your sentiments on this subject, for which we shall be much obliged.

We have the honor to be with very particular esteem and regard Sir
your most obedient and most humble servants

MERIWETHER SMITH
RICHARD HENRY LEE
CYRUS GRIFFIN
WM. FLEMING.

252. THE SOUTH CAROLINA DELEGATES TO THE PRESIDENT OF
SOUTH CAROLINA.¹

PHILADELPHIA, May 7, 1779.

Sir,

It is with the highest pleasure we transmit to your Excellency a copy of the Acts of Congress of the 5th and this day, in aid of South Carolina and Georgia, upon the Report of the Committee made on the 5th upon the letter of the 5th of April from Lieut. Governor Bee.

A necessary application to the Commander in Chief upon the subject of this business, has prevented its being sooner finished.² (And except in the instance of an application in January last by Mr. Drayton for the march of the North Carolina troops and the sailing of a naval force to

[252]¹ Southern Hist. Assoc., *Publications*, IX. 391.

² See nos. 233, 243, *ante*, and the *Journals*, May 7. The *Journals* do not indicate that the report had been brought in on the 5th. Besides the report as drawn by Richard Henry Lee (Papers Cont. Cong., no. 20, vol. II., f. 361), a copy of it in Lee's writing, with some variations, is in Va. Hist. Soc., Lee Transcripts, III. 49, and is printed in *Southern*

South Carolina and Georgia, Congress have cheerfully adopted every measure in their power which has been advised for the aid of those States.)³

The pressing calls from the main army, for military stores by a certain and short day, still prevents our being able to send off those destined for South Carolina: we hope, that within ten days, they will be sent forward.⁴

We have the honor to be, Sir,

Your Excellency's most obedt. and most humble servants ⁵

His Excellency

John Rutledge Esqr.

Mr. Laurens having desired me to pen a public letter from the Delegates of South Carolina in consequence of the Acts of Congress of the 5 and 7, May, in aid of South Carolina and Georgia, I, William Henry Drayton, draughted the above; and offered it to Mr. Laurens for his signature. He objected to the second period in the second paragraph saying, Congress had not done so and that as we were not called upon to say anything on that subject, he did not cho[ose] to say anything at present. I answered, that I had inserted that period, because I thought it stated facts, which should be known in Carolina, as Mr. S. Adams had informed me, that he had been informed from S. Carolina, that a different idea was entertained there which was injurious to Congress and had desired me to place the matter in its true point of view, and that he had mentioned the same circumstances to him, Mr. Laurens.

Mr. Laurens persisting in his objection to that period in the public letter, I wrote over a copy of that letter verbatim, leaving out the period objected to, and it was signed by Mr. Laurens and myself.

However, in order to remove improper ideas respecting the conduct of Congress in aid of S. Carolina and Georgia, I think it is proper to desire a few members of Congress competent to the subject, to sign this paper if they think the period objected to is a proper state of circumstances.⁶

Literary Messenger, XXX. 180. The introductory paragraphs, the principal part of which does not appear in the *Journals*, are as follows:

"The Committee to whom was referred the letter from the Lieut. Governor of South Carolina having had the same under consideration, have agreed upon a report and come to the following resolutions:

"Your Committee having communicated their sentiments upon the subject of giving aid to the States of South Carolina and Georgia to the Commander-in-Chief, and taken his sentiments thereupon, and having conferred with Major General Howe, whose opinion your Committee find to be, that a considerable and speedy aid is necessary to be sent to those States, therefore,

"*Resolved*", etc.

³ See the *Journals*, Jan. 30, Feb. 2. Cf. *ibid.*, Apr. 11, 13, 17.

⁴ James Pierson, commissary of military stores, sent to Laurens May 30 a list of the stores despatched to South Carolina, apparently that day (Library of Congress, Laurens Papers).

⁵ There are no signatures in the printed text, and presumably there were none to the draft from which the text was taken. See Drayton's statement.

⁶ Laurens's objection would appear to have been to the statement that "Congress have cheerfully adopted every measure in their power which has been advised for the aid of those States". If Drayton obtained signatures of other members of Congress to his letter, such a document has not been found. This draft appears to have been found among a small body of Duane papers, in the possession, at the time of publication (1905), of Dr. Thomas Featherstonehaugh, of Washington, D. C. (see *Southern Hist. Assoc., Publications*, VII. 170).

253. JOHN FELL, DIARY.¹

[May 7, 8, 1779.]

Friday 7th May Commercial Committee. Congress. A Number of Letters and Memorials and another Petition from Bermuda, for Bread. after long Debate agreed to Reject their Petition altogether. Letter from General Washington enclosing Letters from General Schuyler, that some of the Six Nations were suing for Peace, and that intelligence from Canada was 1500 Regulars and some Canadiens were expected on the Frontiers etc. Letter from Mr. Jarrard that by his last Accounts England expected to Act vigorously and determind to Push the Warr. P M Marine Committee.

Saturday May 8th Commercial Committee Congress. Order of the Day on foreign affairs. Question whether a shair of the Fishery on the Banks of Newfound Land should be an Ultimatom in case our Allies should agree to terms with Great Britain. Long Debate. Letter from Mr. Gerrard Presing the necessity of fixing on a Proper Person to be appointed Minister Plenopotary to the Court of Madrid.

254. HENRY LAURENS, MOTION.¹

[May 8, 1779.]

Mr. Laurens Moved that a Letter be written by the President to the Minister of France, accounting for the unavoidable delay of a final determination of the business alluded to and expressing the sensibility of Congress on the goodness of their great and good Ally, etc.

A Motion reduced to writing on this Subject by Mr. Adams.²

255. HENRY LAURENS, NOTES OF DEBATES.¹

8th May 1779.

Mr. Laurens asked what branch of foreign affairs shall we proceed upon, the report of the Committee of thirteen, or what is called the U or U.²

I think it will be best to finish the former; I have three times repeatedly proposed to give my voice for recalling Mr. Arthur Lee, provided Congress would order Mr. Deane to remain in America to support his charges. I now again repeat the Proposition.

[253]¹ Library of Congress, Journals and Diaries.

[254]¹ S. C. Hist. Soc., Laurens Papers, XXVI.

² This note is appended to a translation of Gérard's memorial of May 6 (a different translation is found in Wharton, *Rev. Dipl. Corr.*, III. 156), read in Congress May 7. The motion is not recorded in the *Journals*.

[255]¹ S. C. Hist. Soc., Laurens Papers, vol. XV.; *ibid.*, vol. XXVIII., no. 6 (copy, in the writing of Moses Young). The latter text is a continuation of the Moses Young copy of the notes of May 6, no. 250, *ante*, and does not include the last paragraph (see note 5, below). In vol. XV. these notes are appended to the notes of the same date on "The Ultimata" (no. 256, *post*). This manuscript is, however, somewhat mutilated (see no. 256, note 6, *post*), therefore the text of the Moses Young copy is used so far as it extends; that is, for all except the paragraph beginning, "Mr. Drayton's very ignorant harangue".

² Evidently "Ultimatum or Ultimata", or *vice versa*.

Some Gentleman has published the yeas and nays on the question for recal—the whole truth should have been published, if publication was necessary or right, and the whole truth will be published—and Gentlemen remember this repeated offer on my part.³

The Ultimata called for.⁴

Mr. Drayton's very ignorant harangue on the Article respecting the Fishery—we had forfeited the right when we withdrew our Allegiance—of no use to any but 3 or at most 4 States never had been, never could be of use to Carolina or Georgia etc. etc.⁵

[Endorsed:] Ultimata and Langworthy 8th May 1779. also proposition to recal A. Lee and detain S. Deane.⁶

256. HENRY LAURENS, NOTES OF DEBATES.¹

8th May 1779.

The Ultimata

The substitute agreed to by Yeas and Nays the 25 March² being read, the following Resolutions prefaced by a long string of argumentation offered as a substitute to the substitute.³ . . .

Qu.? whether this be in Order.

Long debate—Yeas and Nays, passed in the Negative, debated the Substitute of 25 be adopted as an Ultimatum.⁴

*Session ½ p. 4 P. M.*⁵

[*Mr. Laurens*] moved the House on Privilege that he was informed *Mr. Langworthy* had sat in Congress and voted as a delegate from Georgia from the 16th Feby. to the 12th or 13th April, when he had no right to sit in Congress, that particularly his name appeared six times aye and nay in the Articles of the Ultimata, that if it should be found he had no right so to sit and vote which the President or Secretary could determine, he moved that *Mr. Langworthy's* name should in these instances be rescinded.

Mr. Mer. Smith said *Mr. Laurens* should prove it.

³ See no. 250, *ante*.

⁴ See the *Journals*, May 7, 8 (pp. 554, 563); also nos. 151-153, 159, 167, *ante*, and nos. 256, 269, 270, 307, *post*.

⁵ It was probably through inadvertence that Laurens appended these remarks to his notes respecting the recall of Arthur Lee, as the proper place for the paragraph is in connection with the notes on the ultimata, no. 256, *post*. This doubtless explains why Moses Young did not include the paragraph in his transcript.

⁶ The endorsement applies of course to the two groups of notes bearing date of May 8, those here given, and those to be found under no. 256, *post*.

[256]¹ S. C. Hist. Soc., Laurens Papers, vol. XV.

² The date is an error. The substitute referred to is that moved by Richard Henry Lee Mar. 24, which is repeated in the *Journals* May 8. The vote on it was probably Mar. 30. See no. 167, note 5, *ante*.

³ Laurens quotes here the resolution in the motion of Gouverneur Morris (seconded by Thomas Burke), but omits the introductory paragraphs (the "long string of argumentation"). See the *Journals*, May 8 (pp. 563, 565).

⁴ That is, whether the substitute of Mar. 25[24] should be adopted as an ultimatum. See the *Journals*, May 8, and *cf.* no. 255, *ante*, and nos. 269, 270, *post*.

⁵ The *Journals* do not record an afternoon session. Samuel Holten's Diary entry for the day is merely, "Congress sit late. I took a walk with Mr. Adams" (*Essex Inst. Hist. Colls.*, LV. 255).

Mr. Laurens answered, No the enquiry was his Duty the Secretary or President should satisfy the House by providing Mr. Langworthy's Credentials.

Mr. Lovel said many questions had been determined and business executed under Mr. Langworthy's Casting Vote and that it was impossible to rummage through the whole.

[*Mr. Laurens* replied that]⁶ such cases as were irremediable [might be] submitted [to], but in every remediable [case the] remedy should be applied, that if the [house] would take no notice of his motion the [country] should know it and called for the Yeas and Nays.

Mr. Smith and Mr. Drayton

Mr. Duane also in a long [harangue object]ed that time should now [be taken up when we] were just entring upon Foreign affairs.

Mr. Laurens said the subject would admit of no debate, if Mr. Langworthy had not a right to sit and Vote not a minute would be taken up in giving the Secretary order to expunge his Yea or Nay, that if time was unnecessarily lost it was their fault who debated against supporting the privilege and honor of the House, but that he should in order to ease Gentlemen's minds withdraw his Motion for the present promising to renew and prosecute it before the Ultimata was finally closed.⁷

Memorand[um] Drayton and Langworthy.

257. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA May 8th 1779

Sir,

We had the honour of inclosing in a letter hastily written to your excellency last Tuesday, a copy of a Resolution of Congress approving the raising of a brigade in the State of Rhode Island, etc. And on Friday morning last, received your letter of the 26th of April, inclosing a letter to Congress open. We perused, sealed and presented it to the President. It was read and referred to General Washington, as you will see by the inclosed Resolution.

We took this opportunity and brought upon the tapis our Motion recommending to our Sister States to send to and keep up their quotas of militia in our State—which passed. A copy of it we now inclose to your Excellency. . . . We hope that the resolutions of Congress will be agreeable to the State, and produce happy effects. The Condition annexed to the resolution, approving the raising a brigade in our State, we would have prevented if it had been in our power, but it was impossible, as you will see when the Journals are printed. As to those Soldiers who shall be inlisted before the resolution reaches your excellency there can be, we think, no difficulty; as to those who may be inlisted thereafter, the

⁶ The manuscript (four sheets) of these notes and those of the preceding item (no. 255) has the corners torn off, and the missing words have been supplied by conjecture.

⁷ See no. 207, *ante*.

[257]¹ R. I. Arch., Letters to the Governors, 1778-1779; Staples, *R. I. in Cont. Cong.*, p. 222.

State will add their bounty or devise some other method which will give them satisfaction without violating that condition. If Congress should have approved of giving additional pay to the Soldiers of our Brigade they must have advanced the pay of all the continental Soldiers which, at this time, would prove ruinous to our Finances.² . . . we are with the highest Sentiments of respect

Yr. Excellency's most obedt. Servts.

WILLIAM ELLERY

JOHN COLLINS

258. DANIEL OF ST. THOMAS JENIFER TO THE GOVERNOR OF MARYLAND
(THOMAS JOHNSON, JR.).¹

PHILADELPHIA, May 9th 1779

Dear Sir,

. . . . If we talked, less, and thought more than we do in Congress, our business in my opinion would be better conducted.

I wish with all my heart that we had an Executive; and agree with you in opinion that the want of it, is a strong reason for entering into some kind of confederation or other. But it has always hurt me, to think of confederating on terms that would not be lasting. I believe that Congress are now more disposed to explain the Confederation than it was some time ago. The necessity of its being done has opened the Eyes of some of the Congress. But at present Business of greater importance takes up all our time. God grant us Wisdom to determine with that Judgment and precision w'ch the grand object requires, we should do.²

I had drafted a Letter for my Collegues to join me in, advising the Governor and Council to spare at least 5 peices of Cannon to Congress, but as we had other matters to mention w'ch required the determination of Congress Viz: an order for eight hundred thousand Dollars and the opinion of the board of Treasury respecting the Emissions of May and April,³ the Post had set out before we could obtain the order and opinion, and for these reasons it happened that you did not receive the joint Letter of the Delegates, before this Post.

259. THE PRESIDENT OF CONGRESS (JOHN JAY) TO
GEORGE WASHINGTON.¹

PHILADELPHIA 10th May 1779

Sir

Enclosed is a Copy of a Letter from the Minister of France to Congress of the 9th Inst. and of an Act of this Day expressing the Sense of

² See the *Journals*, May 7, and no. 247, *ante*. Governor Greene's reply, June 3, to the letters of May 4 and 8 is in Staples, *R. I. in Cont. Cong.*, p. 240.

[258]¹ Md. Hist. Soc., Red Book, V. 59; Harvard Univ. Lib., Sparks MSS., XXIX. 512; Scharf, *Hist. of Md.*, II. 349 (extract).

² See the Maryland instructions in the *Journals*, May 21. Jenifer had taken his seat Apr. 27. In a brief letter May 4 he declared that he had not even had time to get settled, "Congress sitting every day on important business". (The letter was at one time in possession of Mr. W. R. Benjamin of New York.)

³ See the *Journals*, May 7; cf. nos. 267, 298, *post*.

[259]¹ Library of Congress, Letters to Washington, XXXII. 246; *ibid.*, President's Letter-Book, p. 103.

Congress that your Excellency consider yourself at Liberty to direct the military operations of these States in such manner as you may think expedient.

The Intelligence conveyed by the Letter from the Minister is important, and may occasion alterations in the Plan for the ensuing Campaign. Congress confide fully in your Excellency's Prudence and Abilities; and I am directed to signify to you their wish, that neither an undue Degree of Delicacy or Diffidence may lead you to place too little Reliance on your own Judgment, or persuade you to make any further Communications of your Designs than necessity or high Expedience may dictate.²

260. JOHN ARMSTRONG TO GEORGE WASHINGTON.¹

PHILADELPHIA 10th May 1779

Dear General,

Necessarily as now you must be led to consider on the one hand, the various distributions of your Army, I mean the Seneca or Northern Expedition—some force at Fort Pitt, together w'th the representation of Governor Green on behalf of the Providence Plantations and adjacent Country which stands exposed to the contrasted force of the Enemy at Rhode Island—And on the other, the intelligence of Mr. Gerrard respecting the return of the Count De Estaing to our Coasts, with a resolution of this day, throwing into your hands entirely and afresh the military operations of the opening Campaign, to vary or even recind [*sic*] former determinations at pleasure, a step this however honorary and confidential it may be, that must in present Circumstances inevitably embarrass y'r Excellency.² Indeed Sir I conceive that at best you have only a choice of difficulties, but as that too frequently has been y'r case and support vouchsafed, the same fountain is open still and unexhausted; here (using the very best means we can) must all our expectations rest, for truly Sir were you now in the American Cabinet instead of the field, an anxious and distressed witness of our conduct, your hopes resulting thence must be low indeed: I do not so much complain of the subject matter, as of the infatuated manner of doing business, whereby delay alone is sufficient to defeat us—I mean more particularly the state of our money. . . .

261. JOHN DICKINSON TO CAESAR RODNEY.¹

Sir

This Morning Congress receiv'd Intelligence from the Commander in Chief of a very Considerable Embarkation of Troops. . . . I would be more particular on this subject but that Congress has this Moment re-

² See the *Journals*, May 10. Two letters from Gérard, dated May 9, are in Wharton, *Rev. Dipl. Corr.*, III. 161, the first being merely explanatory of the second, which he calls a memorial. The event of importance was the coming of Comte d'Estaing. Cf. nos. 260, 267, 369, *post*.

[260]¹ Library of Congress, Letters to Washington, XXXII. 253.

² See no. 259, *ante*, and nos. 267, 369, *post*.

[261]¹ Copied from the original, then in possession of Mr. Stan. V. Henkels. Henkels, *Catalogue*, no. 1236, item 324 (extract).

solv'd to send copies of the Dispatches to the Southward, and Mr Jay assures me you shall receive one. . . .

The very important Business of the Quartermasters and Commissaries departments demands the most speedy and vigorous Measures. You know how much my sentiments correspond with your own on that Head, and I have the pleasure to inform you that there appears in Congress a hearty Inclination to probe this Disease to the Bottom. . . .

I wish to receive the sense of yourself and as many of the legislative Council and Assembly, as can be conveniently collected, as soon as possible, on a general Question, which may be of eminent use to my Colleagues and Myself in regulating our future Conduct. We have most momentous Business to transact. It may happen in managing the Affairs of so extensive a Confederacy, that particular States may be more interested in certain points than other States, or than the Confederacy in general.

My Opinion is clear, that the Interests of each State bring objects comprehended within the Confederation, are to be regarded as the Interests of the whole, and as such to be contended for and defended. [On] interests of this kind, Difficulties, I apprehend, will not arise, but on Interests beyond these Limits they may. On these my opinion is also clear, that as a Delegate I am bound to prefer the general Interests of the Confederacy to the partial Interests of Constituent Members, how many soever they be, and however respectable and meritorious; and further that if such a Competition should arise, it is my Duty to prefer the particular Interests of that State that honours me with her Confidence and invests me with a share of her power, to the particular Interests of any other State on this Continent.

I cannot be more particular on these very important Considerations, not being at Liberty to disclose the subject of Debate to which they may refer. But obviously Just as my Determination seems to myself on the most mature Deliberation to be, yet so strangely crooked do the plain lines of sound Policy appear by passing thro' some mediums, that I should receive great satisfaction in finding myself fortified in the Resolutions that will actuate my Conduct, by knowing that the sentiments leading Me to those Resolutions are approved by my Country. . . .

PHILADELPHIA May 10th 1779

262. WILLIAM FLEMING TO THOMAS JEFFERSON.¹

PHILADELPHIA, 10th May, 1779.

Dear sir,

I wish it were in my power to write you satisfactorily on the state of our public affairs. My residence here is of too short a date to enable [me] to form a proper judgment of them. There are matters of great concern now before congress, of which I am not at liberty to speak freely, tho' I am of opinion we *may* have peace on honorable and advantageous terms, in the course of the ensuing winter. I beg I may not be put in nomination

[262]¹ Library of Congress, Jefferson Papers, second ser., XXXIII. 33.

at the ensuing election of delegates to serve in Congress as I find it next to impossible for me to serve longer than til August, should my country be disposed to continue me here; for besides my own loss of time, and the long separation from my family, my expences are so enormous that I find my fortune quite insufficient to support them. I am in private lodgings, with only a servant and two horses, which are in the continental stable, and I live as frugal as possible, notwithstanding which it costs me, at least, 25 £ a week, over and above my wages. If our assembly do not determine to support their delegates in congress, they will shortly find that none of those of small fortunes will be able to continue here long enough to make themselves acquainted with the business they come to transact, so as to render them essential service; for I think I already discover men here who have local views highly detrimental to the general good of the union. . . .

263. JOHN FELL, DIARY.¹

[May 10, 11, 1779.]

Monday 10th May Commercial Committee Congress. This day a Letter was Read from Governor Levingston, and also the Memorials of the Officers of the State of New Jersey. Letter from Genl. Washington with an Acct. of Coll. Van Scacks Expedition to the Onendagos also an Acct. of the Imbarkation of 8 Regiments from N York and the Conference with the Commissioners for the Excha. of Prisoners at Amboy, orderd to be Printed. Letter from the Minister recommending the finishing the appointment of a Minister to Spain etc. etc. Expedition recommended to Genl. Washington. A Letter from Mr. De Franca and a long Memorial from Mr. Beaumarsha (not finish'd). Count De Estang

Tuesday May 11th Commercial Committee Congress. Mr. Francys Memorial Relating to Mr. Beamarshe Read after some debate agreed to Committee of five to consider and Report thereon vizt. Laurens, Smith, Carmichael, Dickinson, Searle Letter from Genl. De Portail Respecting West Point etc. Report from the Board of Warr respecting Enginears Genl. DePortail appointed Commandant of the whole. A number of other Reports and appointments, in different departments read and agreed to. the Minister of France told the President, if Congress would write to the King, for the Purpose, he would send clothing etc. for the Army to be Paid for after a Peace. A Noble generous Offer P M Marine Committee

264. SAMUEL HOLTEN TO THE PRESIDENT OF THE MASSACHUSETTS COUNCIL (JEREMIAH POWELL).¹

PHILADELPHIA, May 11th, 1779

Sir

. . . Congress having been informed, that such is the state of health of General Lincoln (not from the General) that it was become necessary, that he should be permitted to return from that hot climate, to the north-

[263]¹ Library of Congress, Journals and Diaries.[264]¹ Mass. Arch., CCI. 22.

ward, so that his country may not be deprived of his future services in a climate more agreeable to his constitution, and have given permission accordingly.²

I have no further intelligence of a public nature worthy the attention of the hon'ble Board, that I'm at liberty to communicate.

265. SAMUEL ADAMS TO JAMES WARREN.¹

My dear Sir,

. . . . We have had on the Carpet Questions relating to our Ministers abroad—Whether they should be recalled. It was agreed that the Question be put severally with Respect to Each. A Majority of Voices were against the Recall of Doctor Franklin, though some Gentlemen spoke warmly against him.² *That*, for the Recall of Dr. Lee, met with an equal Division, and so it was lost.³ I will only remark to you that after long Debates, in which as great Freedoms, I suppose, were used as could be consistently with Decency and Truth, his Abilities, his Integrity and warm Attachment to America remain unimpeachable. It is unfortunate when Attempts are made to remove a Servant of the Publick, whose Fidelity shines the brighter, the more his Conduct is sifted, but so it will happen when others wish to supplant him. I do not say this is the Case at present. I hope there is no Motive more unworthy; but I will not answer for all among the Thousands in America, who may conceive themselves fit for important Trusts, and some of them may shortly offer themselves with a View of serving such Purposes as may not be agreeable to others. I suspect from a Letter which I have heard publicly read that our Friend J. A. is or will be as obnoxious to a Party as Dr. F and Dr. Lee, and for the same Reason.⁴ But I will tell you all when I see you. Pray inform

² Holten's entries in his Diary for May 10 and 11 are: "10. I dined with Mr. Smith. I attended the medical com't in the evening. 11. Gen. Howe and a number of other Gentlemen dined with us" (*Essex Inst. Hist. Colls.*, LV. 255).

[265]¹ Mass. Hist. Soc., Warren MSS., vol. 3, p. 241; *Warren-Adams Letters*, II. 100.

² See the *Journals*, Apr. 21, 22. In a letter to Warren Mar. 24 (supplement to the letter of Mar. 23, no. 154, *ante*) Adams says: "There are some of our Friends, who having been long habituated to admire the Wisdom of the Philosopher, cannot easily be persuaded to believe, that in the different Character of a Politician, he may be lyable to human Frailties at the age of more than three Score and ten." He is alluding here to remarks of John Adams in a letter to him Dec. 5, extracts from which were enclosed in this letter to Warren. The letter is found in *Warren-Adams Letters*, II. 73, but there printed as to James Warren. That it was to Samuel Adams is shown by the references in the first paragraph to letters written and received. For instance, John Adams's letters of May 21 and July 28, 1778, are in Wharton, *Rev. Dipl. Corr.*, II. 591, 667, and Samuel Adams's letter to John Adams June 21 is in *Writings of Samuel Adams*, IV. 39. Furthermore, Samuel Adams included in his letter to his wife Mar. 7, 1779, extracts from this letter of John Adams (the date of which he gives, however, as Dec. 7), although without mentioning the name of the writer (*ibid.*, p. 128), a few such in his letter to Benjamin Austin Mar. 9 (*ibid.*, p. 132), and appears to allude to it in his letter to John Adams of the same date (*ibid.*, p. 131).

³ The vote upon the proposition to recall Arthur Lee was Apr. 30. Cf. nos. 215-217, 250, *ante*, and nos. 337, 338, *post*.

⁴ The allusion is probably to the letter of Ralph Izard, Sept. 12, 1778 (Wharton, *Rev. Dipl. Corr.*, II. 710), read in Congress Dec. 7. Cf. the *Journals*, Mar. 24 (p. 368).

Mr. Story that his Petition is referred to the Treasury and that I expect it will have a favorable Issue.⁵ Be so good as to let Mrs. A. know that I am well, but have not Time to write to her now. Adieu my Friend

Yr affectionate

S A——

May 11th, '79.

266. THE MARYLAND DELEGATES TO THE GOVERNOR OF MARYLAND
(THOMAS JOHNSON, JR.).¹

PHILADEL' A May 11th 1779.

Sir

. . . . Your letter of the 30th Ap'l does not clearly express in what way the Emissions of May and Ap'l came into the State Treasuries.² If by Taxes for the Continent, there can be no doubt but you may send, as soon as it is convenient, the several sums in those Bills to the Continental Treasury; for the Resolves of Congress are express that they shall be received for Debts and Taxes into the continental Treasury and into the State Treasury for continental Taxes untill the first of June. If they came in on any other ground than for a continental Tax, (altho not strictly within the Resolves of Congress) yet we think the State may, and we are of opinion you ought or it will be advantageous to the State, to consider them as brought in, in that light; and when the continental Tax is actually raised you may then reimburse the State Treasuries. Congress as they have no Authority, so they never will inquire into the manner by which the State has raised her quota. If however the Emissions alluded to above, were not expressly levied for Continental Taxes, and you do not, as we conceive you may, consider them in that light, no way is open but to throw them into the Loan office, either on Loan or to be exchanged, the former of these alternatives we do not approve of and the latter will deprive the State of the use of the money for some time.

Mr. Harwood's power as a continental Loan officer extends no further then to receive these Emissions either on loan or to be exchanged, we therefore think he did right in not receiving them in the way you proposed to him.³

We are Sir with highest Respect and Esteem

your obt. and hble. Servts.

GEO: PLATER

WM. PACA

JOHN HENRY

DAN OF ST. THOS. JENIFER

[P. S.]

⁵ See the *Journals*, May 4, June 15.

[266]¹ *Arch. of Md.*, XXI. 74, also at p. 386; *Md. Hist. Soc.*, Red Book, V. 4.

² The letter of Apr. 30 here referred to is in *Arch. of Md.*, XXI. 374. See also the council's letter of May 7, *ibid.*, p. 382.

³ *Cf.* no. 92, *ante*.

267. WILLIAM CARMICHAEL TO THE GOVERNOR OF MARYLAND
(THOMAS JOHNSON, JR.).¹

PHILADELPHIA May 11th 1779

Sir

I hoped we should have been able last week to have sent the further supply of money requested by Your Excellency in your Letter of the 30th Ult. We obtained the warrant for 800000 dollars on Wednesday last, but the state of the treasury is such, that altho' we have been very importunate with the Treasurer it hath not been in his power to satisfy our demands. This week However we are promised the money which shall be immediately forwarded to Your Excellency properly escorted.² The extracts you did me the honor to inclose me enabled me to urge with the Board of Treasury the necessity of giving directions to the Treasurer to pay the warrant in favor of our state, in preference to many of a prior date, and silenced the clamors of some who alledged that the Commissioners employed by the State to purchase, had raised the Price of flower. Inclosed is an extract of a Letter which contains some intelligence of the Enemies motions, necessary for your Excellency to be informed of. There is no doubt that they mean to prosecute The war vigorously this campaign. The Minister of France informed us of this circumstance a few days ago, with the Strongest assurances of the King his Masters intentions to support us at every hazard, and even in preference to every view of conquest which might aggrandise himself. We have also the satisfaction to learn that a Company of Bankers has been instituted at Paris under Royal authority to pay the interest of the money borrowed here which was payable in Europe, and Flatter myself that this is not the sole purpose for which this company was instituted. General Washington has pressed Congress strongly to take Effectual measures to induce the States to fill up their respective quotas and even recommended the mode of drafting from the Militia. I hint this to your Excellency, because it is probable, that the arrival of an expected reinforcement to the Enemy, may oblige Congress to address the States on this Subject.³

268. JOHN FELL, DIARY.¹

[May 12, 13, 1779.]

Wednesday 12th Com'l Committee Congress. Letter from Mr. Bingham at Martinica. Letter from the first Lievt. of the *Dean* Frigate, Proposing a Plan to goe to the Island of St. Johns. Referrd to the Marine Committee to take order thereon. Order of the Day on the ultimatom of the Fishery. Long debate and several amendments Propos'd.

Thursday 13th May Commercial Committee Congress. This day spent in very trifling debate P M Marine Committee.

[267]¹ Md. Hist. Soc., Red Book, V. 11.

² See nos. 258, 266, *ante*, and no. 298, *post*. Carmichael had previously, in a letter of Apr. 30 (Md. Hist. Soc., Red Book, V. 20), set forth the condition of the treasury.

³ Cf. nos. 259, 260, *ante*, and no 369, *post*.

[268]¹ Library of Congress, Journals and Diaries.

269. HENRY LAURENS, NOTES ON NINTH ARTICLE OF TREATY
WITH FRANCE.¹

[Ca. May 12 or 13, 1779.]

Article 9th.

Abstract.²

Ambiguous meaning somewhat more than is expressed or meaning nothing.³

This part of the Article, acknowledges an *actual* posession of Havens, Bays, Roads, Coasts and Places on each part.

How shall we define, Havens, Bays, Roads Coasts and Places? the only Rule I can discover is, Usage, Prescription, or Possession.

has there ever been a descriptive line drawn within which the Inhabitants of the Provinces of America now of the United States, had been confined by G. Britain.

Yes. an Act of Parliament.

can this claim, be justly stiled contention for conquest or territory?

Is not the grand Bank of N. F. L. one of the Places, which the Americans have as good a right to claim, as they have to claim Independence. does not the 2d Article of the Treaty of Alliance declare "the essential and direct end of the present defensive Alliance is, to maintain effectually the Liberty, Sovereignty and Independence ABSOLUTE and UNLIMITED of the said United States as well in matters of Government as of Commerce. Is not the Fishery an article of Commerce. is not the Bank of N. F. L. one of the PLACES where America by Prescription has heretofore gathered and enjoyed the fruits of this branch of Commerce. Is it not stipulated to make effectually and unlimitedly our Liberty and Independence in matters of Commerce? shall we entertain Ideas so degrading to the Honor and Magnanimity of our good and great Ally as to admit a beleif or a suspicion that he will fail of fulfilling every job and every tittle of his engagements.

As well might we suppose that he would give us up a Prey to our Mutual Enemy.

but say Gentlemen, we admit this the claim to a part of the N. F. L. fishery to be well founded but we are not in force to continue the War. who says the War will be continued in consequence of our just claim might not this argument be applied to every claim of the quiet enjoyment of our ancient possessions.⁴

[269]¹ S. C. Hist. Soc., Laurens Papers, Miscellaneous Essays and Projects.

² The article is found in the *Journals* under May 2, 1778.

³ This comment is written in the margin of the manuscript, against the last sentence of the ninth article of the treaty, which Laurens quotes in full: "It is however understood, that the exclusion stipulated in the present article shall take place only so long and so far as the most christian king or the United States shall not, in this respect, have granted an exemption to some other nation."

⁴ See the *Journals*, Feb. 23, Mar. 17, 19, 22, 24, May 8, 12, 13, 27; cf. nos. 151-153, 255, 256, *ante*. These notes probably apply to the proceedings May 12 or 13. Cf. no. 270, *post*.

270. HENRY LAURENS, PROPOSED RESOLUTION.¹

[Ca. May 12 or 13, 1779.]

That the most strenuous efforts be used for obtaining an acknowledgement on the part of Great Britain of a common right in these States to fish on the Banks of N. F. Land and Gulph of St. Lawrence the Coasts of Labrador and Streights of Bell Isle, and that in no case by any treaty of Peace the common right of Fishing in those places be given up. If such acknowledgement cannot be obtained, all the rights of Fishery designed by the 9th and 10th Articles of the Treaty of Commerce between France and these States are to be required and insisted on; And also to require and insist that these United States shall be entitled unto and enjoy in common with their ally such other and further rights and benefits in the American Fisheries as may or shall be ceded to their said Ally by any Treaty of Peace or any other Treaty between them and the Court of Great Britain over and above such rights in the said Fisheries as our said Ally were restricted to by the Treaty of Paris of 1763.²

[Endorsed:] Proposed article on Fishery in Ultim.

271. WILLIAM FLOYD TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA May 14th 1779

S'r

Congress finding that they Cannot Get the Journal printed so soon as they Could wish in the mode heretofore adopted, have Employed a printer to begin at January, and print them up as soon as possible, and from april to have them printed weekly.² The Inclosed is the first that is come out. I do my Self the pleasure to Direct one for the Hon'ble President of Senate and one for Mr. Speaker.

All matters of a Secret nature are put on a Separate Journal and will not be printed untill the war is Ended.

I expect you will be Surprised when you find on the *Journal* so many things that are not of the Greatest Importance, And Do not find that Any thing has been Done with Respect to Vermont. But I hope Mr. Jay in his Correspondence with you has given you the Reasons why that matter has been so Long, and so unexpectedly Delayed³

[270]¹ S. C. Hist. Soc., Laurens Papers, XV.

² This resolution was probably offered May 12 or 13. See the proceedings of those days. In the same volume of the Laurens Papers is a copy of the motion of Gouverneur Morris (seconded by Meriwether Smith), May 12, as amended May 13 (motion of Smith, seconded by Sherman), "That an equal share of the fisheries . . . between France, Spain, and America"; and also a copy of the motion of Elbridge Gerry, seconded by Richard Henry Lee, May 13, "That a common right . . . United States" (*Journals*, pp. 586-587). Cf. nos. 255, 256, 269, *ante*, and nos. 307, 317, 360, *post*; also the *Journals*, index, Fishing rights.

[271]¹ N. Y. Pub. Lib., Emmet Coll., no. 2738.

² See the *Journals*, Feb. 12, Mar. 31. William Whipple wrote to President Weare May 18: "I shall send you by this opportunity a few of the *Journals* of Congress for the month of January last, they will come monthly from the press, from the first of Jany. to the first of April; and after that time weekly. The volume for 1777 will be out in a week or two, when I shall take the earliest opportunity of transmitting it to you" (Force Trans., Weare, p. 300).

³ See the *Journals*, May 22.

272. JOHN FELL, DIARY.¹

[May 14, 1779.]

Friday May 14 Congress. Letter from Govr. Johnson of Mary Land advising Mr. Hollinshead at the Head of Ellk of a Fleet of between 30 and 40 Sail being in Chesapeek Bay.² Mr. Smith introduced a Paper of Rivingston of the 5th with a Letter said to be wrote by Mr. Laurens to the Governor of Georgia. Long debate whether in order or No Yaes and Naves carried in the Negative.³ P M Marine Comm⁴

273. JAMES DUANE TO GEORGE WASHINGTON.¹

PHILAD. 15th May 1779.

Dear Sir

I find myself under the necessity of expressing my wishes that it may be agreeable to your Excellency to transfer the non commissioned officers and Privates, Citizens of New York, late of Col. Malcolm's Regiment, to one of the Battallions of that State. After the Resolution to the same Effect in favour of the Pensylvania Companies, of which at the time I much disapproved,² it is difficult to assign any good Reason for a Distinction among Troops of the same Corpse [*sic*], and under Circumstances altogether similar; and we may be censured for not attempting at least to put them on an equal Footing. However had not the Men expressed so much dissatisfaction at being constrained to serve in the reformed Battalion, after so many of their officers had retired, I should have been silent; for your Excellency will do me the Justice to believe that I do great Violence to my Feelings, and to the Maxim I have endeavor'd to inculcate, when I in the most distant Degree interpose in a matter to which you alone, from a thorough knowledge of all its Consequences, are competent. I am uncertain whether a formal Act of Congress is necessary, I rather presume your Powers are adequate: but however this may be, from a Reluctance to embarrass you on any Occasion, I shoud not reconcile it to myself to take any step to accomplish this transfer without having previously consulted you.

If the obstacles are important in your Opinion, I flatter myself that the State of which I am a Citizen will be contented, from the unreserved Confidence they Justly repose in your Wisdom Impartiality and attention to the general Interest, as well as from the lively Sense they entertain of your unwearied Exertions for their own more immediate Protection.³

[272]¹ Library of Congress, Journals and Diaries.² See no. 283, *post*.³ See no. 274, *post*.⁴ Fell's entries for the next two days are: "Saturday May 15th. Went to Bristol. Sunday May 16th. P M went to Mr. Gills."[273]¹ Library of Congress, Washington Papers, XXXII. 329.² See the *Journals*, Jan. 13.³ Washington replied May 26 that such a transfer as Duane requested would create confusion (draft in Washington Papers).

274. HENRY LAURENS, REMARKS ON MERIWETHER SMITH'S MOTION.¹[May 15? 1779.]²

Sir

I have reserved to my self a right of Voting on this very extraordinary and unprecedented motion, not from any apprehensions of inconvenience to myself, because I am sure the contents of my Letter to Govr. Houston are not only inoffensive but proper, and breath a Spirit of true patriotism and display a becoming Zeal and unshaken attachment to the Interests of these united States. I am confirm'd in this opinion from declarations which have been voluntarily made to me by several of the most respectable Characters in this House, that the Letter even as printed in Mr. Rivington's Paper deserves the highest praise with the addition of their wishes that a Copy were sent to the Governor or President of each State. My apprehensions are for the honor and dignity of Congress.

And my present objections amounting to a Protest against the motion are

Because, it is beneath the dignity of this House to pay attention to such Publications by Printers employed by the Enemy.

[274]¹ S. C. Hist. Soc., Laurens Papers, vol. XXVII. (Congressional Letters).

² These remarks were doubtless prepared to be delivered during the discussion of Meriwether Smith's motion concerning Laurens's letter to Governor Houston (see the *Journals*, May 14, 15, 18). The remarks would naturally have been made subsequently to Laurens's address of May 15, recorded in the *Journals* of that day (also found in Wharton, *Rev. Dipl. Corr.*, III. 169; a copy, in the writing of Moses Young, is in S. C. Hist. Soc., Laurens Papers). Smith's reply to Laurens's address, though not permitted to be entered in the *Journal*, is printed in the Library of Congress edition of the *Journals* under May 18, and may also be found in *Hist. Magazine*, second ser., I. 67. Laurens's letter to Governor Houston, Aug. 27, 1778, is in vol. III. of these *Letters*. It was reprinted (from the *Royal Gazette* of May 5) in the *Pennsylvania Packet* of May 20, 1779, with a communication from "Candour" (presumed to be Thomas Paine), who entered the lists in Laurens's behalf, evidently with weapons and ammunition provided by Laurens himself. "Candour" declared that the copy of the *Royal Gazette* containing Laurens's letter had been brought to Philadelphia by Silas Deane and turned over to James Duane; accordingly Deane replied, in so far as the matter concerned him, in the *Packet* of May 25. In the issue of May 27 "Phocion" contributed a few ingredients to the mess, declaring, among other things, that "the journals of Congress as now published are unintelligible to half the world, for whose information they were designed". Then, in the issue of June 1 "Lusitania" took a whack at Deane. These communications are all to be found in N. Y. Hist. Soc., *Collections: Deane Papers*. III. 452, 468-474.

More directly apropos of the controversy between Laurens and Meriwether Smith is a communication from "Brutus" in the *Packet* of May 29. "Brutus" was probably Smith himself, for he appears to have furnished the newspaper with the proceedings of Congress relative to the affair (see no. 343, *post*). "Much hath been said", he remarks, "of peculation and fraud in the expenditure of public money. . . . It behoves all ranks of people to assist in detecting and bringing to punishment every such offender. Can it be a matter of surprise then, that Mr. Smith should make a motion in Congress evidently designed to do justice to the public? Is it not rather astonishing that there should have been any opposition to the enquiry proposed! If it be asked what could stimulate him to make the motion [he is alluding to a query of "Candour"], I will tell you—it was an independent spirit, the love of justice, and the public good; which led him also to take an early, open, active and disinterested part in the present contest with Britain; and have established his character upon a foundation not to be shaken by Mr. Laurens or any of his adherents. . . .

"Where then are the shining virtues of Mr. Laurens, and the dignity of Congress? The following anecdote will show you. It is said that Mr. Laurens, in opposing Mr. Smith's last motion, observed 'that he did not expect his address would have been entered upon the journal; that entering it was a very imprudent measure; that had he voted upon it, he would have voted no; that when he saw the unanimous vote, he thought the lying spirit had got into the House'. Ergo, they had got out of the House."

Because, the Letter even as published by them contains nothing like Treason, or a design in the party said to be the writer to injure these States or any faithful Citizen of these States

Because, it would be dangerous and unprecedented to call upon any Member of this House to give up his private correspondencies, or to extort from him his private opinions.

Dangerous, as it would be a direct attempt to deprive the Citizens of these States of that freedom and Liberty ever exercised in Great Britain from whence they have seperated in order to enjoy greater Liberties, and exercised in America even while she was under the dominion of Great Britain.

Unprecedented, Because altho' many Letters have been published in the Enemy's News Papers of a criminal nature and said to have been written by the Commander in Chief of the Army and by other persons in the service of the United States, Congress have always wisely treated such Publications with contempt.

Dangerous, because it will give encouragement to the Enemy to bribe Secretaries and Servants to steal the private Letters of Members of Congress and other free Citizens of these States, to hold out even genuine Copies of Letters in order to give improper imployment to Congress and to divert them from attending to that Circle of business which it is their duty to pursue.

already Rivington's Publication has employed Congress two whole Days without producing any good effect, which time had been assigned for business of the highest importance, to wit,

1. Concluding an Ultimatum for a Treaty of Peace the delay of which has exposed Congress to oblique if not direct rebukes from the Minister Plenipotentiary of France, and which threatens the loss of our National Character.³

2d. The Report from the Committee on the Treasury for appreciating the Value of our Paper circulation the neglect of which, is alarming in the highest degree to every unmask'd Citizen within and without this House.

3d. An attention to the safety of a Sister State already greatly distressed and now in imminent danger of being subdued by the Enemy from want of timely and sufficient aid.⁴

I might proceed to shew many other important articles necessary for the safety of our Independence, which demand the immed. [*sic*]⁵ but these are or ought to be so strongly impressed on the mind of every Member of

³ See Gérard's letter to Congress May 6, in Wharton, *Rev. Dipl. Corr.*, III. 156; also the *Journals*, May 7. At this point Laurens has this marginal note: "Deane etc. Inf'd. Partners." See also note 4, below.

⁴ Laurens inserts here the following memoranda: "draughts of letters to the K. of F. Cloathing etc for the Army. State of New Jersey." These memoranda, as well as that mentioned in note 3, above, were evidently additional subjects which Laurens thought demanded the immediate attention of Congress.

⁵ Some words are here lacking. The reading should probably be, "immediate attention of Congress".

Congress, as to induce me to think a further enumeration would be an insult both upon the understanding and the fidelity of Congress.⁶

Because, it is below the dignity of Congress to request in writing a copy of the private correspondence of any Member of this House or of any other free Citizen⁷

Dangerous and alarming to the States because it will amount to a prohibition to the Delegates writing their private opinions to their respective States.

275. HENRY LAURENS, NOTES OF PROCEEDINGS.¹

Upon reading Letters

[May 17, 1779?]²

Mr. Gerry arose, said [the lack of supplies] was greatly owing to the conduct of Officers in the [purchasing] department who had been guilty of the most bareface[d frauds; that they had] enhanced the prices of articles which they were to purcha[se inducing people to] demand higher prices than they had at first asked, even [double.] That it was their interest to do so.

That Congress had known these things above eighteen Months and had taken no notice of them, thence the rapid depreciation of our Paper Currency. if Congress do not immediately take proper measures to prevent it, our Paper Money will be at an end.

(Mr. Gerry referred to November 1777 when Congress had been informed of these things, but I do not recollect his expressions)

Then Mr. Gerry moved that the Report from the Board of Treasury on Finances should be taken under consideration at 2 o'clock on every Tuesday, Wednesday, Thursday and Friday etc. Amended by Mr. Dickinson to Monday, Wednesday and Friday immediately after reading the Journal, and not to be set aside without unanimous consent.³

I shewed the above Memorandum to Mr. Drayton, Mr. Ellery, Mr. Muhlenberg and Mr. Gerry who said he did not care, it was all true. I added, that I committed to writing certain declarations to the above effect, which I believe had been made about eighteen Months ago.

I also shewed the above Paper to Mr. Dickenson, who observed that Mr. Gerry had said expressly that Congress had been informed, so long ago as November 1777 that the present evils or circumstances would come to pass, and had taken no notice of them, and I recollect it to have been to that effect, altho' his particular words have escaped me⁴

⁶ On the margin of this paragraph is the following: "In the same Paper Willing etc involv's honor of Cong." The reference is to the "Copy of a letter from Robert Ross, of Pensacola, relating to the conduct of Mr. James Willing, addressed to Thomas Symonds, Esq; Commander of His Majesty's Ship *Solebay*, on that station". The letter is dated Mar. 27, 1779.

⁷ On the margin of this paragraph Laurens has this remark, "disgust Many will be disgusted therefore dangerous".

[275]¹ S. C. Hist. Soc., Laurens Papers, XXVII. (Congressional Letters).

² A corner of the manuscript, probably containing the date, is torn off. The date appears, however, to be established by the reference, in the third paragraph below, to Gerry's motion, "amended by Mr. Dickinson". Although the motions are not recorded in the *Journals*, a resolve fixing Monday, Wednesday, and Friday for consideration of the treasury report was adopted May 17. Cf. *ibid.*, Apr. 27, May 13.

³ See the *Journals*, May 17. The report of the board of treasury, dated Apr. 21, is found in the *Journals* under Apr. 27. Cf. no. 303, *post*.

⁴ See, for instance, Gerry's letter to Joseph Trumbull, Nov. 27, 1777 (vol. II., no. 757). For the views of Laurens himself, see especially *ibid.*, nos. 627, 763, 766.

276. THE VIRGINIA DELEGATES TO THE GOVERNOR OF VIRGINIA
(PATRICK HENRY).¹

PHILADELPHIA May 17th 1779

Sir,

We beg leave to explain to you some difficulties that occur to us in executing the instructions contained in the inclosed paper No. 1 directing the Delegates to inform Congress of the resolutions of assembly respecting Indian purchases. We suppose this must have reference to some other Resolve than the single one next following upon that subject. If Sir, there are any resolves declaring the sense of the assembly concerning such purchases, and announcing their invalidity, we pray to be furnished with them at this time such a declaration seems necessary, as will appear by the paper inclosed No. 2, extracted from a Talk lately delivered to General Washington by some Chiefs of the Delaware nation, and transmitted to Congress by the General.² These Indians are come down under the conduct of Colo. George Morgan, who is at once public agent for Indian affairs in the middle department, and private agent for the Vandalia company pretending to claim a large territory within the chartered limits of Virginia under purchase from the Indians. As this Talk has come, and the Indians with Colo. Morgan are coming to Congress; we shall endeavor to prevent the success of this manoeuvre.

There is some reason to suppose that these Purchasers from the Indians wish to have their right of so doing submitted to the judgement of Congress, and as we conceive that our execution of the 5th resolve in the paper No. 1, will coincide with such views, we have suspended an application to Congress upon the subject, until we can get the further sense of our Constituents thereupon. Lands that are clearly within the chartered limits of a State have been hitherto understood to be, at least, in the preemption of that state; and certainly such purchases would contravene our whole system of laws respecting the mode of acquiring ungranted Lands in Virginia

We have the honor to be Sir your most obedient Servants,

MERIWETHER SMITH
RICHARD HENRY LEE

277. JAMES DUANE TO GEORGE WASHINGTON.¹

PHILAD 17th May 1779

Dear General

I am honoured with your Favour of the 3d Instant and have communicated it to my Colleagues. When I wrote to your Excellency respecting the Exchange of Citizens in the power of the Enemy, I did not attend to the Distinction between Civil and military Prisoners: but conceivd your Authority competent in all Cases.² I cannot think it adviseable to

[276]¹ Library of Congress, Virginia, Miscellaneous.

² A letter from Washington May 14, enclosing a copy of a letter of Col. George Morgan, May 9, together with an Indian speech, and Washington's answer, was read in Congress May 17; and a letter of May 16 from Morgan, enclosing the speech and answer, was read in Congress May 18. Cf. no. 281, *post*.

[277]¹ Library of Congress, Letters to Washington, XXXII. 327.

² See no. 232, *ante*.

leave the Negotiation of the Exchange even of Citizens to Commissioners appointed by the several States: it may be productive of Confusion and mischief: Nor can there be any possible Inconvenience in consulting the Commander in Chief on the manner and Terms of such Exchange; while it will at least keep up a Consistency and propriety in our Transactions with the Enemy: It can be no Encroachment on the Civil Authority of any State: because a Citizen in Captivity is treated and considered as a Prisoner of War, and the whole Business on the part of the Enemy conducted in the Military Line. However it is obvious from your Excellency's Remarks that the Concurrence of the State is necessary—to remove all difficulties I shall prepare a Resolution “to authorize the Commissioners of Indian Affairs for the northern Department with the Concurrence of the Commander in Chief and the executive Authority of the State where Citizens respectively shall be the subject of the proposed Exchange, to negotiate and settle the manner and Terms of the Exchange”.³ This will I think answer the present Purpose, and I hope will meet with Approbation.

278. JAMES LOVELL TO THE DEPUTY SECRETARY OF THE
MASSACHUSETTS COUNCIL (JOHN AVERY).¹

PHILAD'A May 17, 1779

Sir

. . . . I beg you to communicate to the Hon'ble Council the inclosed Copy of a Letter from Governor Reed.²

“In addition to my wishes personally that a sort of Debt supposed to be contracted on my account might be readily liquidated, I have strong political Reasons, just at this Time, for desiring that a State Civility may be discovered between Mass'ts and Pensylva. the Published *Journals* will in part explain my Grounds; the Secret ones would fully do it.”

Mr. Lowell is still delayed; S'th Carolina³ and Connecticutt have applications, like what he brought, depending; and which were yesterday recommitted to the Treasury.⁴ I shall use my Endeavors with my Colleagues to bring a favorable Speedy Issue to the Business.

Your most hum Servant

JAMES LOVELL

³ The resolution was offered and adopted May 22. See the report of the committee on Indian affairs (prepared by Duane) upon letters of Schuyler and James Deane (read in Congress June 15), found in the *Journals* (ed. Ford) under June 19. Washington replied May 26 to this letter of Duane, and also to that of May 15, no. 273, *ante* (Washington Papers).

[278]¹ Mass. Arch., CCI. 33.

² The immediate question between the two states appears to have been that of the embargo. See the *Journals*, Apr. 14; cf. Reed to the Massachusetts Council Mar. 8 (*Pa. Arch.*, first ser., VII. 231). The “political reasons” to which Reed alludes probably had their origin in the Arnold controversy, which was at this time in agitation.

³ Grants of money, similar in terms, were made to Massachusetts, Connecticut, and Virginia May 22. Probably it was Virginia rather than South Carolina that Lovell had in mind. Concerning South Carolina, however, see the *Journals* of the same date. Cf. no. 280, *post*.

⁴ A letter from Jeremiah Powell, president of the Massachusetts council, dated Apr. 24, was read in Congress May 15, and one from Governor Rutledge of South Carolina, of the same date, was read May 17. “Yesterday” (May 16) was Sunday, and it is probable that the letter was written on that day; but there is no record in the *Journals* under May 15 or 17 that these applications were recommitted to the treasury.

279. JOHN FELL, DIARY.¹

[May 17, 18, 1779.]

Monday May 17th A M came to Town Congress. A number of Letters Memorials etc. from Genl. Washington, Genl. Lincoln, Genl. Maxwell, Coll. Morgan, Dallaware Indians etc. etc.

Tuesday 18th May Com. Committee Congress. Several Letters, Petitions etc. Read. Report of the Committee to whom was Referrd the Memorial from Bermuda, agreed to let them have Indian Corn not Exceeding 1000 Bushel.² P M. Went to Marine Committee (did not make a Board[])³

280. SAMUEL HOLTEN TO THE PRESIDENT OF THE MASSACHUSETTS COUNCIL (JEREMIAH POWELL).¹

PHILADELPHIA, May 18, 1779

Sir

. . . . The business Mr. Lowell is charged with from the honorable court to congress, is referred to the Treasury Board, and I beleive congress will advance a sum of money to the state, for which they must be accountable, but I do not expect it will be expressed for any particular purpose.²

281. THE PRESIDENT OF CONGRESS (JOHN JAY) TO
GEORGE WASHINGTON.¹

PHILADELPHIA 19th May 1779.

Sir,

I have been honored with Your Excellency's Favors of the 11th, 14th, 16th, two of the 17th and the one by General McIntosh with the several Papers referred to in them.

Congress concur with your Excellency in Opinion that an immediate Enquiry into the Matters of Complaint, preferred by General McIntosh, would at present be inexpedient.²

[279]¹ Library of Congress, Journals and Diaries.² See nos. 213, 222, 253, *ante*.³ William Whipple wrote to President Weare of New Hampshire May 18, after mentioning the news from Georgia, "If we can be favored with a little Naval assistance from our ally, I shall have very flattering expectations of favorable events in that quarter" (Force Trans., Weare, p. 300).[280]¹ Mass. Arch., CCI. 41.² See the *Journals*, May 22; *cf.* no. 278, *ante*. Holten records in his Diary May 16, "Mr Daulton and Mr Lowell dined with us"; May 20, "I took a walk with Mr. Lowell"; and May 22, "I ride out with Mr Lowell".[281]¹ Library of Congress, Letters to Washington, XCIII. 149; *ibid.*, President's Letter-Book, p. 111.² See the *Journals*, May 17, 18. *Cf.* no. 276, *ante*. General McIntosh, writing to Washington May 14, referred to "the groundless aspersions of Col. George Morgan in the course of Mr. Steeles trial in Fort Pitt—and encouraged by the success of that, his barefaced attempt now to arraign the judgment, knowledge and conduct of the Hon'ble the Board of War, the late commissioners, myself and others acting immediately under the authority and direction of Congress, in a speech he framed himself and put into the mouths of a few Delaware chiefs, invited down by him for this purpose", and asked for an inquiry into his own conduct. Hamilton, on the same day, wrote McIntosh in Washington's behalf that an inquiry at the present time would seriously interfere with the

282. HENRY LAURENS, NOTES OF PROCEEDINGS.¹19th May [1779].²

When the question to fill up the same blank was put (40 Million having been moved by Governor Morris) Mr Drayton offered a motion for recommending to the States to tax their respective Constituents in as high an amount as their circumstances would bear. I said, I would wish to second that motion if it were practicable because it would apply extremely well to the circumstances of our State, but I apprehended we could not proceed in that indefinite mode, and I believed my Colleague was not in the *secret*, alluding to a design of drawing in Gentlemen to a conduct which should appear to be contradictory, by combating against a high Tax and insisting upon the Fisheries as an Ultimatum for Peace, and there upon I put queries to Mr Ellery.

"If you are in such circumstances as will not admit of Taxation adequate to lessening the quantity of Paper Money now abroad how can you reconcile your demand for the Fishery as an Ultimatum?"

If you are not in circumstances for continuing the War, you will be told your Ultimatum should be *moderate*.[""]

A motion was presently made by Mr. Dickinson for filling the blank with Sixty Million. my Colleague who had formerly confessed his incapacity, and left me to determine even on thirty Million having received *light* by an out-door conference with two or three of the *party*, voted not only without consulting, but in direct opposition to me for 60 Million. This being negativ'd and 45 Million moved, he also voted for that sum in opposition to me.

The circumstances of South Carolina were such as called upon us to reflect maturely on the subject. I had previously called Mr. Drayton out of Congress into the Court room and delivered my opinion candidly on the subject, expressed my apprehensions that the burthen would be too much at this time for South Carolina, demonstrated the disadvantages she lay under by comparing the prices of her staples with those of Virginia, Maryland, Pennsylvania, etc. I said I was in favor of taxing

campaign, as it would also leave McIntosh in undesirable inactivity. "There are properly no charges against you", he remarked, "therefore a particular examination of your conduct unless by your desire seems to be unnecessary." McIntosh, in reply, yielded to the suggestion, but expressed his readiness, now or at any other time the General pleases to give an account of his transactions. Washington then referred the whole matter to Congress, with the result as recorded in the *Journals*.

One note in this controversy was sounded as early as Mar. 14, by Gouverneur Morris, who wrote to Washington by the hand of Col. Morgan, whom he had asked, he said, to call on Washington. "That Gentleman", he wrote, "can give you much and important Information relative to the state of our western Frontiers. From the first View of the Commander in that Department at York Town he struck me as one of those who excel in the Regularity of still Life from the possession of an indolent Uniformity of soul. The little Eagerness he shewed to go thence when every Thing almost depended on Vivacity gave no good Omen of his Success." Morris's letter is in the Library of Congress, Letters to Washington, XXX. 376; the other letters are in Papers Cont. Cong., no. 152, vol. VII., ff. 345-365.

[282]¹ S. C. Hist. Soc., Laurens Papers, XV. (copy); *ibid.*, XXVI.

² These notes are a continuation of those of Apr. 29 (no. 236, *ante*). A further continuation is found under June 12 (no. 340, *post*).

as *highly as could be borne*, and that respecting myself I would wish to pay off *now* all my taxes for two years to come etc. etc.

He replied, "all that could be said was that if we *could not* pay it we *³ *could not* pay it," and then voted as I have said, and as the *Journal* will shew.⁴

283. JOHN FELL, DIARY.¹

Wednesday May the 19th 1779. Commercial Committee Congress. After reading the Letters, The order of the day on Finance. after long debate, the Question was Put for filling the Blank in the 4 article, with 60 Million of Doll's. carried in the Negative then the question for 45 Million, carried in the affirmative. 5 Yaes 4 Noes—2 divided. NB. Dr. Wetherspoon at Congress.

Thursday May 20th Commercial Committee Congress. Letter from Seieur Gerrard, relating to 2 Spanish Vessells carried in to the State of Massachusetts Bay. Referred to a Committee of three vizt. Mr. Smith of Virginia read and Presented a Resolve of their Assembly, relating to the Confederation. Order of the day on foreign affairs Whether Mr. Izard should be Recall'd, from the Court of Tuscany. Debate whether he shall be recall'd, or his Commission vacated. no determination Adjourned to 10 oClock NB A Letter was read from Leesburgh in Virginia that the Enemy had Landed there, that Major [Mathews] had defended Fort with 150 Men, till he was oblig'd to leave it that he Spiked up the Guns, destroyed all the Stores, Burnt 3. Ships on the Stocks, and that a Party of 30 were sent of which he Killed 14 and took 16 Prisoners.²

284. ROGER SHERMAN TO BENJAMIN TRUMBULL.¹

PHILADELPHIA May 20th 1779

Sir

Having an opportunity by Mr. Erkelens I send you the enclosed Paper which contains what News we have here.

I wrote to you by the Post on the 18th Instant Yesterday Congress took into consideration the Subject of the currency which was considerably debated. It is the general if not universal opinion to make provision for defraying the public expence without continuing to emit Bills—'tis probable that the Several States will be called upon to furnish their Quotas

³ " * determinations worthy a sagacious Patriot " [note in the original].

⁴ Cf. the *Journals*, May 19.

[283]¹ Library of Congress, Journals and Diaries.

² The letter (which was read in Congress May 21) was from Thomson Mason (May 17) and related the news, just brought to Leesburgh by Mason's son, of the appearance of the enemy in Hampton Roads and the attack upon the fort, and of Major Mathews's defense. President Jay wrote to Thomson Mason May 21: "Your Favor of the 17th Inst. was delivered to me Yesterday morning. It contains the first authentic and most particular Account of the Enemy's Operations in the Bay that Congress have yet received" (President's Letter-Book, p. 113). May 22 Jay transmitted a copy of Mason's letter, together with copies of two letters from Governor Henry (see the *Journals*, May 21) to Gérard (*ibid.*, p. 114). For another account of the affair, see Joseph Hewes to Governor Caswell May 23, *N. C. State Recs.*, XIV, 94. See also no. 311, note 2, post.

[284]¹ Library of Congress, Stauffer-Morgan Collection of Signers of the Declaration of Independence.

of the necessary Supplies of Money to be raised by taxes or any other way that the Legislatures may think.

If further Emissions are Stopt, the currency will probably fix at a proper rate in proportion to the Quantity and become Stable, which perhaps is as much as may be expected while the war continues, unless a foreign loan should be obtained which I should not be very fond of if we can do without it.

I am Sir very respectfully

Your humble Servant

ROGER SHERMAN

[P. S.] General Spencer is well and presents his respectful compliments to You. He is well pleased with the piece signed Honestus in the enclosed Paper.

R. S.

The Rev'd Mr. Benjamin Trumbull

285. THE NORTH CAROLINA DELEGATES TO THE GOVERNOR OF
NORTH CAROLINA.¹

PHILADELPHIA, May 20th 1779

The Delegates of Virginia have Just now laid before Congress an Instrument from that State empowering them to Confoederate with any one or more States, and they have offered to do so in explicit Terms. the Inclosed is a Copy of the Instrument and we lose no time in transmitting it to you to be laid before the General Assembly.²

We beg leave to inform you that certain appearances in Congress and in our general affairs make it Necessary to come to some conclusive decision on the Business of Confoederation. some States seem not very clear that they are bound by any thing which has hitherto been done, and others scruple not to declare that if Congress should, on a Question for agreeing to Terms of peace decide in a manner Contrary to the Sense of those States, they will neither submit or Confoederate. It appears to us absolutely Necessary to have clearly and conclusively known what states will consider themselves as bound at all Events to Submit to the decision of the united Council, and to go hand in hand with their brethren thro' all the Vicissitudes of Events and affairs. The Wisdom of the assembly will see the propriety of empowering their Delegates to do some conclusive act upon this Solemn Requisition of our favored, and favoring Sister Virginia, whose Interests, habits, manners and Inclinations are so similar and Consenting with ours. we will not presume to suggest what that Act

[285]¹ Library of J. Pierpont Morgan, Signers of the Articles of Confederation, p. 3 (in the writing of Thomas Burke); Harvard Univ. Lib., Sparks MSS., XXXVI. 503; *N. C. State Recs.* XIV. 88.

² See the *Journals*, May 20. Cf. no. 223, *ante*, and no. 291, *post*.

should be, but we wish to impress them with an Idea that dispatch is very Necessary.

We have the honor to be with all due respect

Your Excellency's obt. Se't

JOHN PENN
THOS. BURKE
WM. SHARPE

His Excellency Richard Caswell Esqr.³

286. HENRY LAURENS, NOTES OF PROCEEDINGS.¹

[May 20? 1779.]

Motion Lee Seconded by Laurens.

Resolved.

That the Honorable Ralph Izard Esquire be informed, that as the Court of Tuscany hath declined receiving a Minister from the United States of America, and not discerning any probability that such Minister will shortly be received, Congress have thought proper to discontinue the appointment of a Commissioner for the said Court. That Congress entertain a proper sense of Mr. Izard's zeal in the service of his Country, and return him thanks for his attention to the Public affairs, and willingness to promote the Public good.²

[Endorsed:] Motion by R. Lee Esqr. seconded by Mr. Laurens May 1779 for thanking and dismissing Commissioner Izard.

287. WILLIAM WHIPPLE TO JOSIAH BARTLETT.¹

PHILADELPHIA the 21st May 1779

My Dear Sir,

. . . The state of the currency is truly deplorable, but not so alarming in my judgment as the failure of public Virtue. the former may possibly be assisted by human means, but we must depend on him who alone can control the hearts of men to establish the latter. We are now about trying once more what can be done to save the sinking credit of the money. the prevailing Opinion is that nothing will do but (I was going

³Another letter from the delegates to Governor Caswell, dated May 20 (*N. C. State Recs.*, XIV. 89), relates to some complaints of North Carolina officers of the continental troops. One passage of the letter may appropriately be quoted here:

"It may be thought that such redress as the officers pray for ought more properly to be administered by Congress, but experience has proved that present provision can more conveniently and effectually be made by the States; and it is not quite clear whether, agreeable to the true genius of a Federal Republic, the future provision for the Military ought to be made by and at the will of the Magistrate, who must have the supreme, united executive power.

"But what makes the immediate interposition of the States necessary is that Congress have not time to apply the remedy so early as the inconvenience demands."

[286]¹ S. C. Hist. Soc., Laurens Papers, vol. XXVIII., no. 7.

² This motion was doubtless made May 20, in connection with the consideration of the case of Ralph Izard that day. Cf. the motions of June 8, following the vote of recall. For earlier proceedings touching the question of Izard's recall, see the *Journals*, Mar. 24. Apr. 15, 20. See, further, nos. 344, 345, 347, 354, 415, 421, 422, *post*.

[287]¹ Boston Pub. Lib., Chamberlain Coll., E 9, 46.

to say) *excessive* Taxes, but I will soften the epithet and adopt the words *very high* if a sufficiency can be raised by Taxes to support the war, farther emissions will be unnecessary. this is part of the plan now under consideration. A consequent Resolution past this day to raise 45,000,000 to be paid in by the 1st of Jany. I must suspend giving you my Opinion of this measure for the present. let it suffice to say there was a great Majority in favor of the question, and but a small Majority against the Question for 60,000,000 this is a bold Political stroke, and I hope will be carried into effect, as to all appearance nothing else can save us from destruction. the People in this part of the Country are every where clamorous for heavy Taxes. the greatest difficulty appears to me is, the levying it on the proper persons. if the whole sum could be drawn from those speculating miscreants, who have been sucking the Blood of their country, it would be a most happy circumstance: and I hope the assessors will be particularly attentive to those people. He who increases in wealth in such times as the present, must be an enemy to his Country, be his pretensions what they may. If the Connecticut mode of collecting Taxes, was adopted the business would be much facilitated; In that State five or six Taxes are collected in a Year. by that means they collect very large sums without producing the least uneasiness among the people. If the people are duely impress'd with the advantages they will derive from paying in their money while it is at the present low state they certainly will do it with cheerfulness. Spirited measures with the Property of the fugitive, as well as with the persons of the resident, enemies, to the Revolution, would in my humble Opinion have an exceeding good effect, at this particular crisis. . . .

288. JOHN FELL, DIARY.¹

Friday 21st May Commercial Committee Congress. Letter from the Legislature of N Jersey for an explination of some Resolves of Congress. Referrd to the Board of Warr.² Letter from Genl. Thompson and Coll. Webb in behalf of themselves, Genl. Waterberry, Cols. Housecker, Pottor and Alison, to let Genls. Philips, Esdale and their aids go to New York on Porole. Committed to 3 vizt. Spencer, Atley and Scudder. Order of the Day on Finance Agreed to Levy 45 Million of Dollars per Tax this Year in addition to 15 do. allready orderd to be Raisd³ Motion from Dickinson to have a Spired Adress sent to the People at large shewing the Necessity of the measure, Committee to draw it up viz Dickinson, Drayton and Lee. Letter from Govr. Henry of Virginia dated 12th Instt. with an Acct. of the Enemy being at Portsmouth. Petition of Dodge and Wood, who have been Prisoners a[t] Detroit. NB Dr. Weatherspoon gon[e] home NB the Gentlemen sent with the Letter from New Jersey Mr. Elijah Clark and Silas Conduit P M. Went to Marine Committee did not make a B'd.

[288]¹ Library of Congress, Journals and Diaries.

² The board of war's reply to Governor Livingston and to the speaker of the assembly is in *N. J. Rev. Corr.*, p. 168.

³ "21. Congress agreed upon a tax of 45,000,000 dollars to be paid by the 1st of Janu'y next" (Samuel Holten, Diary). "Esdale", above, is Baron Riedesel.

Saturday 22d May 1779. Commercial Committee Congress. Several Letters Read and an affidavit of Particulars relating to the Cruelty of the Enemy in Virginia etc. Memorial from the State of New York relating to the separation of the State of Vermont PostPoned the consideration till next Saturday. The order of the day on foreign affairs, deferred till Tuesday on account of a Long letter from the Seieur Gerrard.⁴

289. THE PRESIDENT OF CONGRESS (JOHN JAY) TO THE
SEVERAL STATES.¹

Sir,

PHILADELPHIA 22nd. May, 1779

You will receive herewith enclosed a Copy of an Act of Congress of the 21st Inst. calling on the States for forty five millions of Dollars.

The late rapid depreciation of the Currency demanded a speedy and effectual Remedy While the great purposes for which the Money was originally issued are remembered, there can be no doubt that every measure calculated to support it's Credit and preserve the public faith will be readily adopted.

290. JOHN JAY TO THE GOVERNOR OF NEW YORK (GEORGE CLINTON).¹

Dear Sir

PHILADELPHIA 22 May 1779

I have now the Pleasure of transmitting you a Copy of certain Resolutions moved in Congress this morning respecting the pretended State of Vermont. They were introduced by Mr. Morris with a proper prefatory Speech. On Saturday next the House will be resolved into a Committee of the whole to take them into Consideration. What may be their Fate is uncertain, tho I am by no means without Hopes of Success. They are temperate and founded on plain Principles. Opposition will hence be more difficult, and their Defence more certain. The Yeas and Nays shall be called on every Question respecting them; and I will furnish you with a minute Detail of the Proceedings of Congress in every stage of the Debates on the Subject. The Delays attending this Business have been unavoidable, and rather unpleasant than prejudicial. It will now be pressed forward, and you may rely on our utmost Exertions and Care.²

291. THE VIRGINIA DELEGATES TO THE SPEAKER OF THE HOUSE OF
DELEGATES (BENJAMIN HARRISON).¹

Sir

PHILADELPHIA May 22d [1779.]

Having [inform]ed Congress on th[e 20th] of our instructions from the honorable Assembly the 19th of december last touching a final ratifi-

⁴ Gérard's memorial (translation) is in Wharton, *Rev. Dipl. Corr.*, III. 175. See no. 167, note 4, *ante*; cf. no. 326, *post*. Fell's entry for Sunday, May 23, is, "Fine Weather".

[289]¹ Md. Hist. Soc., Red Book, VIII. 111; Library of Congress, President's Letter-Book, p. 115 ("circular"); *N. C. State Recs.*, XIV. 93.

[290]¹ N. Y. State Lib., George Clinton Papers, no. 2309; *Clinton Papers*, IV. 840.

² See the *Journals*, May 22, 29, June 1, 2; cf. no. 313 and note 2, *post*.

[291]¹ Va. State Lib.

cation of the confederacy,² our motion was followed the next day by the inclosed intemperate paper presented by the Delegates of Maryland to Congress and at their motion placed on the journal.³ We have the honor to transmit this paper to you, that the Assembly may, if they judge it proper, direct a counter declaration to be prepared, which being placed on the same journal may prevent future arguments derived from a claim *now* set up and not *now* controverted. We observe that Connecticut has furnished her Delegates with instructions⁴ concerning the Confederacy similar to those that we have received, and we hope that no State will be found to abet Maryland in her unreasonable claim. The declaration, to which the inclosed instructions allude, having been some time ago published, we thought it unnecessary to detain the Express for a copy at this time.

We have the honor to be Sir your most obedient and very humble servants,

MERIWETHER SMITH
RICHARD HENRY LEE.
WM. FLEMING.

292. RICHARD HENRY LEE TO THOMAS JEFFERSON.¹

PHILADELPHIA May 22. 1779

Dear Sir,

I have paid due attention to your favor of April the 21st, and I believe there would have been no difficulty in obtaining what is desired for Baron de Geismar² had not the enemy created the difficulties that do exist. They absolutely refuse to admit partial exchanges, and they have lately proposed such unfair terms for general exchange, that nothing can be done in either of these ways. They will not allow one of our Officers to come out on parole, if like permission be granted to one of theirs, as appeared in the case of Major de Passeren of the Regiment of Hesse Hanau.³ Upon consideration of this matter with your friend Mr. Peters, who is one of the Board of War, we conclude the way to put this matter into the best train will be for the Baron to apply to the British Commander in Chief for this parole exchange, and write to Gen. Knephausen to support the request—That these letters be sent here to the Board of War, and they

² The Virginia instructions, together with a statement of the Virginia delegates relative thereto, are in the *Journals*, May 20. An endorsement by Secretary Thomson on the copy of the instructions which he retained, respecting the withdrawal of the original by the Virginia delegates, is also recorded *ibid.* (p. 618 n.). Cf. no. 285, *ante*, no. 293, *post*.

³ The Maryland instructions, Dec. 15, 1778, are in the *Journals*, May 21. Concerning the declaration referred to in the close of the letter, see *ibid.*, Jan. 6. Cf. no. 298, *post*, and Schuyler's letter of Jan. 29, 1780, in the next volume.

⁴ The Connecticut instructions, dated Apr. 7, are in the *Journals*, May 21.

[292]¹ Library of Congress, Jefferson Papers, second ser., LI. 26; *Letters* (ed. Bal-lagh), II. 56.

² Baron de Geismar, captain of the Regiment of Hesse-Hanau, was one of the Convention prisoners then in Virginia. Theodorick Bland wrote to Washington from Charlottesville, May 31, concerning his exchange. Washington replied June 28, and July 22 he wrote to the board of war. These letters are all in the Washington Papers. See also Hist. MSS. Comm., *Report on Am. MSS. in the Royal Institution*, I. 476, 478, II. 5.

³ See no. 103, note 8, *ante*.

will immediately forward them thro the Commissary of Prisoners expressing their willingness to gratify the Baron. An objection is raised here to gratifying this Officer without receiving something like an equivalent from the enemy, as tending to encourage their obstinacy in refusing a general exchange on terms of fair equality, by which our captive Offic[ers]⁴

293. WILLIAM FLEMING TO THOMAS JEFFERSON.¹

PHILADELPHIA, 22d May; 1779.

Dear sir,

. . . . I think we have little to fear but from the depreciation of our money; and from that source we have, in my opinion, much to fear. There are between 130 and 140 million of dollars now in circulation; and congress, to make one bold effort to restore its sinking credit, yesterday passed an act to call on the states for their respective quotas of 45 million of dollars, by the first day of next January; and this (if it can be effected) will not answer the end, without the aid of a foreign loan; for unless some such measure can be speedily adopted, the emissions between this and the first day of January, must greatly exceed 45 millions of dollars. The demand appears large, and doubtless it is so; but the very critical situation of our affairs seems to make it not only expedient, but absolutely necessary; and I am hopeful a plentiful crop this year will enable our people to pay it without making sale of much of their property, besides the produce of their lands and many will pay it with less than a fourth of that produce. On those who have no land it will fall the lightest. An address from congress to the people of each state, shewing the situation of their affairs, and the necessity for the measure, will accompany the requisition.²

It is of the utmost consequence that the confederation be speedily ratified. It would in a great degree give force and energy to the proceedings of congress, and defeat the hope our enemy entertains of dividing us. Maryland is the only state that now refuses to accede tho' many of the states have acceded on condition that all the rest come into the confederation. The Maryland delegates, a few days ago, delivered in, to congress, an instruction from their assembly on the subject; and a very extraordinary, indecent performance it is: a copy will be sent by the express to our assembly for their consideration, and I hope we shall be favoured with a proper comment upon it.³

294. JOHN ARMSTRONG TO HORATIO GATES.¹

PHILADELPHIA 22d May 1779

Dear General,

. . . . Neither Niagara nor Detroit are in contemplation. the *Seneca Indians* and their *connexions* whether Tories or others, are I presume the

⁴ The word is at the right-hand margin with no room, apparently, for an additional word. Probably some such word as "suffer" was intended.

[293]¹ Library of Congress, Jefferson Papers, second ser., XXXIII. 37.

² See the *Journals*, May 21, 25, 26.

³ See the *Journals*, May 21, and no. 291, ante.

[294]¹ N. Y. Hist. Soc., Gates Papers, XIV. 82.

only present Object of our Arms to the North.² . . . Sullivan has asked of Congress two Extra Aids De Camp for the Campaign, not yet granted nor ought they to be.³

The Packet from France to which you alude brought us the news of the birth of a Princes of that Nation under the hand of the King! Shortly after, we received an intimation from the Minister of the intended or expected return of the Count De Estaing to our Coasts for *important purposes* taking Georgia and South Carolina in his way.⁴ (Secrecy enjoined by Congress) latterly by a letter from Mr. Bingham⁵ an Agent at Martinique we have reason to doubt the coming of the Count. I wish I cou'd give you a more favourable relation of sudden and vigorous exertions in our House for recovering the expiring credit of our Money and in the dispatch of our foreign affairs, whereon depends the Political life of America: sometimes our efforts point that way and promise a happy progress in the plainest path that ever pure necessity pointed out to man, but anon a diversion is made, new and impertinent matter thrown on the Anvil under specious Colourings tending at least to such delay as may be fatal; thus like the scale of the beam we rise and fall. . . .

295. RICHARD HENRY LEE TO ARTHUR LEE.¹

[CONGRESS,]¹ May 23. 1779

[*Dear Brother.*]

As I shall have occasion frequently to mention [names] in the course of [this letter] remember that the [columns] in the [system] of [names] are [numbered] 1. 2. 3. 4. 5.—Since my last the [party] have pushed a [vote] for [your recall] but they have [failed] the [states] being [divided]. Nothing has been done since. But every thing will be attempted to [injure you] regardless of [truth, virtue], or [public good] tho the last is the pretext and forever [protruded] in some [mouths]. 'Tis remarkable that the uniform, fixed, invariable [Whigs] are for [you]. Those against [you] are generally well known in America. The latter are [marked] in [the list] "T". The papers 1. 2. 3. 4. will [show you] the [ground] they [were] on. What part [Gérard]³ has taken the papers 2. 3. 4 will [demonstrate]. I believe verily that [Deane] is not more your [enemy] than [Gérard]. And the latter possibly more bitter and much more subtle. It would be well to search diligently if [Gérard] is not connected in some [intrigue] with [Deane]. Our cruel enemies have lately invaded Virginia with 2000 men and taking the advantage of the dispersed state of the people there, they have burned Portsmouth, and Suffolk, and every house they came to. Murders in cold blood and rapes without end mark their way. Every outrage and every ravage that would

² See no. 183, note 8, *ante*.

³ Sullivan's letter was read in Congress May 22.

⁴ See the *Journals*, May 10; *cf.* no. 259, *ante*.

⁵ See the *Journals*, May 12.

[295]¹ Harvard Univ. Lib., Lee MSS., VI. 66.

² Words in square brackets are written in cipher. See no. 87, *ante*.

³ The cipher is 455. b. i. xiv, which definitely indicates "Gerard" in the list of names given in Entick's *Dictionary*. See note 4, following.

disgrace the worst Savages they have committed. The people are collecting and will be in force very soon to punish these Wretches. But according to custom, as soon as they see a force equal to their own collected, they will fly to their ships, and by crossing a wide river with their ships of war to cover them, begin their ravage in another part. This will [carry] me [home] to take care of my [family]—and [leaving] the [foreign] and [Deane's] affairs unfinished in [Congress] much [distresses] your [friend]. It is very remarkable that those men who from the beginning of this contest have been the most decided friends to the Liberties of America and the firmest opposers of British Tyranny, and who in the hour of Trial will be found most true to the Alliance, are the Men whom [Gérard] has shewn the least desire to be [well with]. Another sort of Men have shared his [friendship] and [familiarity]. This has been the policy of the British Court for 15 or 16 years past. Time will prove if tis a wise one in [Gérard].⁴ The [first described] class of men are not [friends] to the [intrigues] of Deane, Chaumont, Holker, Williams, Wharton, Bancroft, Beaumarchais etc. etc. etc. . . .

Twould do infinite good if this most wicked combination against you could be fully explored and exposed. I am persuaded there are no worse enemies to America and the friends of America than these people.

I am well informed that the [vote] about your [recall] gave great uneasiness to the [Whigs] in this State. They consider it as coming too near to [sacrificing] one of themselves and their good and able friend.

Make an apology for my not writing to our [brother]. I am quite exhausted with long and close attention to variety of business.

[RICHARD HENRY LEE]

P. S. 25. Many of your friends are of opinion that it will be for your honor that you should be called here in order to bring [Deane] to justice. Should this be the resolution, I entreat you to spare no pains in collecting the most authentic proofs, for I am certain that there has been so much misconduct and [wicked traffic] with the [public money] That you will do honor to yourself and serve your country by breaking up this bad man and his very bad connections. Unless you come in a strong Ship of War or otherwise powerfully convoyed [carefully conceal] the [time] and manner of your [coming]. You know the virulence of yr. enemies, notice may be [given] in order that the [enemy] may place you to languish in a British jail.

Altho the plan for recal should not finally be carried, yet your friends are of opinion that the violence and wickedness of your enemies is such, that they think it will be wise in you, to take the first favorable opportunity to resign, or rather ask leave to do so. I before mentioned and again repeat my earnest wish, for I think it indispensable that when you

⁴ The cipher here is 419 a XXVIII (see note 3, above), which is the same that is translated "well" a few lines above. As neither the latter word nor any of its near relatives is appropriate in this statement, it is assumed that Lee inadvertently put down the wrong cipher. It seems probable that he meant to write the cipher for Gérard, meaning to say that time will prove whether Gérard is wise in pursuing the policy which has long been practiced by the British court. See no. 87, note 13, *ante*.

come you bring every material for making the fairest and fullest settlement of the expenditure of such pub. money as has passed thro you, or been entrusted to your care. It will by no means be proper for one of us to endeavor to shelter ourselves, as some bad men do, under a thousand delusive pretexs for not settling accounts and demonstrating the rectitude of our conduct. If you come, I suppose, that as you cross the Sea, having the necessary materials, you may be digesting a complete state of all your transactions and your well supported ideas of [Deane's] culpability. I [set off] this [day] to guard my [family] from the insults and cruelty of the enemy.⁵

Capt. Nicholson says that Williams bot for Dean a prize Brigantine that he captured, and that she came out loaded with private property with our fleet in spring 1777. Enquire about this and the manner in which Williams disposed of all the prizes committed to his disposal.

⁵ His leave of absence is recorded in the *Journals* of the 24th. May 4 he had written to the speaker of the House of Delegates, offering his resignation as a delegate in Congress (Va. State Lib., Executive Papers). His account for attendance in 1778 and 1779, rendered in March, 1780 (*ibid.*), follows:

"Dr. The Commonwealth of Virginia in Account with R. H. Lee for Wages as a Delegate to Congress

	dollars	L	s	d
1778				
To 186 days attendance in Congress at 10 dollars pr. day....	1860	558.	0.	0
To 458 Miles of going and returning at 2/ pr. mile.....	152½	45.	16.	0
To Cash paid Virginia Mariners (released from N. York viz) by desire of the Delegates.....	100	30.	0.	0
To ferriages	26	7.	16.	0
1779				
To 93 days attendance on Congress at 15 dol's pr. day.....	1395	418.	10.	0
To 458 Miles going and returning at ½ a dol'r pr. Mile.....	229	68.	14.	0
To ferriages	58	17.	8.	0
	dollars 3820½			
		1146.	4.	0

Sworn to before Thos. Everard 18 March 1780

N. B. The account preceeding this was settled with Mr. Webb the late Treasurer—

186
93
—
279.

	dollars	L	s	Cr. d
1778				
9th June Recd. from Michael Hillegas Contl. Treasurer....	400	120.	0.	0
19 Septr. from the same.....	1100	330.	0.	0
1st Novr. from the Virga. Delegates by M. Smith.....	600	180.	0.	0
1779				
16 March By Virginia Delegates thro M. Smith.....	440	132.	0.	0
19 April from the same	400	120.	0.	0
25 May from the same.....	842	252.	12.	0
Ballance due R. H. Lee.....	38½	11.	12.	—
	dollars 3820[½]			
		1146.	4.	0

Errors excepted
Richard Henry Lee."

296. HENRY LAURENS, NOTES OF PROCEEDINGS.¹

[May 24, 1779.]

Mr. Burke 2d Laurens.

Resolved that Silas Deane Esqr. be ordered not to depart the United States without the special permission of Congress and that Arthur Lee Esqr. be directed to repair to * America as soon as he conveniently can in order the better to enable Congress to enquire into the truth of the several allegations and suggestions made by the said Arthur Lee in his correspondence with Congress against the said Silas Deane.

Mr. Laurens's proposed amendments instead of * America as soon as he conveniently can read—to Congress without delay.

And after Deane **, add—and to bring with him a state of all his Accounts in character of Commissioner at the Court of Madrid and at the Court of Versailles—and also a narrative of his political transactions from the time of acting under his Commissions respectively to time of his leaving Europe in obedience to this remand.²

[Endorsed:] Mr. Burke's motion 23d or 21st May for detaining S. Deane and recalling A. Lee³

297. HENRY LAURENS, NOTES OF PROCEEDINGS.¹

Monday 24th May 1779.

A Letter from Silas Deane was read in Congress. the contents of this Letter are, *in my opinion*, extremely indecent and disrespectfull and I am persuaded no Assembly of Representatives in America would admit a similar address to them to pass without severe censures upon the author. my opinion is supported by the declarations which were made by some who act as if they were particular friends of Mr. Deane. these Gentlemen expressed their apprehensions of bringing the Lre. on the Jour. when a demand was made for yeas and nays on a question arising from debates relative to the Letter, they said it would bring the Letter on the Journal and surely Gentlemen would not wish to see such a Letter on the Journal. the President particularly said this, and other Gent delivered similar sentiments, and the demand for Ys and Ns was withdrawn.

Mr. Burke, said he had prepared a motion which would try Gentn. and discover whether they were in earnest or not and read the follow'g² which I immediately seconded and said I did so most heartily, that my sole

[296]¹ S. C. Hist. Soc., Laurens Papers, Congressional Letters, XXVII.

² See no. 297, *post*. Burke's motion was brought up again on June 10, varying from that given above only by the substitution of "forthwith" instead of "as soon as he conveniently can", and its transposition before "to America"; that is, with the amendment practically as proposed by Laurens, according to his notes of proceedings given under no. 297, *post*.

³ According to Laurens's notes in the succeeding item, Burke made his motion on the 24th. This endorsement, if not also the memorandum itself, was no doubt written down at a time somewhat subsequent to the proceedings to which the memorandum relates, when Laurens could not quite fix the date. There is no indication in the *Journals* that the subject was under consideration either on May 21 or 22, and the 23d was Sunday, when there was no session of Congress. Cf. no. 347, *post*.

[297]¹ S. C. Hist. Soc., Laurens Papers, Congressional Letters, XXVII.

² Burke's motion is not recorded at this point in the manuscript, but is found in a detached form. See the item preceding (no. 296).

aim was justice to the Public as well as to individuals, that whether Mr. Deane should be found to be innocent or criminal the conduct of Congress could not escape some blame for having so long detained Mr. Deane, that this was not a new Idea, I had signified my sentiments so long since as August last, which I had lately disclosed by shewing Copy of a Letter to the President, the President nodded assent

Mr. Penn said he did not like the words *as soon as he conveniently can*. I proposed as an amendment, that Mr. Lee should be required to return to America forthwith and to attend Congress and also to bring with him accounts of Monies recd. and expended by him and to render a Narrative of his proceedings as a Commissioner at the Court of Madrid and Court of France. this amendment I committed to writing at the foot of Mr. Burke's motion and laid it before the President. after some debate whether the motion was in order, it was agreed to amend the Journal of Saturday relative to the order of the Day for tomorrow which the Secretary had entered falsely.³ the Journal being so amended, it was agreed to postpone the further consideration of the motion till tomorrow.⁴

[Endorsed:] Mr. Burke's motion for detaining Mr. Deane and recalling A Lee 24 May 1779.

[The two items following are found on detached sheets alongside of Laurens's notes on Burke's motion of May 24. The first ("A") appears to have been intended as an insert in Laurens's remarks. The second may be an amendment offered by Laurens, either May 23 or 24, to the motion setting a day for the consideration of Deane's memorial. It may not, however, belong at this precise point.]

A That his having been engaged in private Commercial Trade while he was acting in a public Character in France, his further and more extensive engagements of the same nature since his arrival in America and at a time when he was strenuously endeavouring to impress upon Congress a belief of the utility of and even necessity for his return to Europe in a public character do not entitle him to that approbation which he wishes to infer from the past silence of this House. that his conduct in these respects particularly, is highly reprehensible, altogether inconsistent with his professions of disinterestedness in the public service and contradictory to his declaration "that from the Moment he engaged in the foreign affairs of Congress he put everything private out of the question."

³ This explains in part the rule adopted May 24, "That the journals of a preceding day be open to correction during the whole of the next day". The entry in the *Journals* was originally as follows: "Resolved That on tuesday next immediately after reading the journal Congress proceed to the consideration of the said memorial and of the report of the com'ee on the communication from the said Minister." The only essential alteration which the revised entry shows is the record that the order of the day for Tuesday next was the "further consideration" of the report of the committee of thirteen on foreign affairs, together with Gérard's memorial and the report of the committee on communications from the minister.

⁴ See the *Journals*, May 24, 25, June 10; also nos. 246, 250, 255, 295, 296, *ante*, and nos. 337, 338, 343-347, 354, 415, 420-422, *post*.

That Mr. Deane be directed to lay before Congress on that Day as accurate a State of the Receipts and Expenditures of public and prize Monies in Europe as the Vouchers and other Papers which he may have brought from France will enable him to make.

298. DANIEL OF ST. THOMAS JENIFER TO THE GOVERNOR OF MARYLAND
(THOMAS JOHNSON, JR.).¹

PHILADELPHIA May 24th, 1779.

Dear Sir

. . . Congress have but 602 stand of Arms at this place and those not fit for immediate use. The board of War is directed to get them repaired and to deliver them to our Order it will take some days before this can be done but you may depend they shall be forwarded with all possible dispatch.² The Americans are the most supine people in the Universe, they seldom see danger till it is past if we are not roused from our Lethargy we shall be undone. Arms Amunition etc. all go to the Northern States. 15000 Continental Blankets are lately arrived in their Ports. I see very plainly, that the Southern States will be obliged to shift for themselves. We got our Instructions from the Genl Assembly Entered on the Journals last friday. they are said to be well drawn by good Judges and I hope will have weight. several causes seem to conspire to engage greater attention to be paid to our Declaration than we have hitherto experienced. Connecticut is now I am told by Sheerman disposed to allow Congress to settle the Dispute about the Back lands. That State has empowered its Delegates to confederate with the other States, but on the express Condition that Maryland shall have the power at any time hereafter to accede to the confederation on equal terms with the other States.³ The 800000 dollars were sent off last Monday, and I hope are before this come to hand safe ⁴

The great Dominion of Virga. surely can repel 2000 Men. More than that number were not embarked at New York. Speculation here has arrived to such a height, and prices in three weeks encreased 100 per Ct. This has made those Vermins the Speculators become the object of resentment, and a Mob has assembled to regulate prices. what will be the issue God knows. they are now parading. if they have a head I believe that business will be of service, if they have not one, they will soon dis-

[298]¹ Md. Hist. Soc., Red Book, V. 70; *Arch. of Md.*, XXI. 417.

² See the council's letter to the delegates May 20, in *Arch. of Md.*, XXI. 404, and the *Journals*, May 24. A letter (May 24) from Richard Peters, secretary to the board of war, to Governor Johnson on the subject is in Md. Hist. Soc., Red Book, XXIV. 44. See also Washington to the Maryland Council, May 25, in *Arch. of Md.*, XXI. 419.

³ See the *Journals*, May 21; cf. nos. 258, 285, 291, 293, *ante*, no. 330, *post*.

⁴ See nos. 258, 267, *ante*. This probably should be Wednesday instead of Monday (that is, May 19 instead of May 17), for a letter from Plater, Henry, and Jenifer to Governor Johnson May 18 speaks of the almost incessant application to the treasury board for the money (Md. Hist. Soc., Red Book, V. 26), and one of May 19 from Carmichael and Henry says, "We are at length enabled to forward to your Excellency 800,000 dollars which the various and pressing demands on the Treasury prevented us from receiving until this day" (*ibid.*, V. 18).

perse as all tumultuous assemblies have done, that have not had a leader; enclosed you have a Copy of one of their printed hand bills. Congress have this day resolved to retaliate on the Enemy as well for murders committed on French Subjects as those on the Subjects of the United States.

299. WILLIAM WHIPPLE TO JOHN LANGDON.¹

PHILADELPHIA 24th May 1779.

Dear Sir,

. . . . You say, "every body's eyes are open to see what will be done with the currency"—that is a matter now under consideration, the result will be large requisitions from the States. there is now 140,000,000 dollars in circulation—from this large sum, it is supposed a sufficiency may be drawn in to support the necessary charges of the war, this being done emissions will immediately stop. You may soon expect a demand on N. H. for 1,500,000 dollars in addition to former requisitions, to collect this sum by taxes, or otherwise, will require great exertions. I hope (notwithstanding Avarice with her attendant friend have exerted their whole power) there is still patriotism enough left to make one bold effort to save the country from impending ruin. I must refer you to the papers for news.

300. JOHN FELL, DIARY.¹

[May 24, 25, 1779.]

Monday May 24th Com Committee Congress. A very long letter, from Mr. Deane and a great deal of Debate, to very little Purpose and very little Business done.

Tuesday May 25th. Com Committee. Congress. Mr. Dickinson one of the Committee to bring in a draft of a Letter to address the People, and Read the same and the day taken up on the same. NB. Did not attend the Marine Committee.

301. WILLIAM ELLERY TO THE GOVERNOR OF RHODE ISLAND
(WILLIAM GREENE).¹

PHILADELPHIA May 25th, 1779

Sir,

. . . . Congress have passed several resolves declarative of their powers respecting maritime causes, and have directed the President to transmit them to the States. These resolutions were occasioned by the difficulties which have occurred in the case of the Sloop *Active*, about which much hath been written and published in the gazettes of this town; and by the disallowance of Appeals, in the Massachusetts-Bay, from the determination in maritime causes.²

[299]¹ Library of Congress, Force Trans., Whipple, p. 671; N. Y. Pub. Lib., Bancroft Coll., Langdon-Elwyn Papers (copy).

[300]¹ Library of Congress, Journals and Diaries.

[301]¹ R. I. Arch., Letters to the Governors, 1778-1779, p. 100; Harvard Univ. Lib., Sparks MSS., LIX. 257; Staples, *R. I. in Cont. Cong.*, p. 235.

² See the *Journals*, Feb. 2, Mar. 6, Apr. 24, May 22, and index, *Active*; also no. 57, note 2, *ante*.

The Plan of finance will I hope be soon completed, and be acceptable to the several States. The delegates from the State of Rhode Island objected to the Sum recommended to be raised and to the time for collecting and paying it into the Treasury; because they thought the sum too large and the time too short, and for other prudential reasons.³ Our State I presume would wish to pay off their part of the continental debt as soon as possible, and give every aid in their power to check the career of depretiation; but seven hundred and fifty thousand dollars, in addition to the Sum already voted to be raised, is a large Sum to collect from a State under the circumstances ours is in, in so short a period. Perhaps it might suit best to hire part. But of that the wisdom of our Assembly will form the best Judgment. I think there was only one State besides ours against the Sum and Time. The great majority on this occasion, and the declarations made by members during the course of debate induce me to beleive that great exertions will be used to collect their quotas. The more that is collected by taxation, the less will it be necessary to loan in order to put a stop to further emissions, which is the wish of all. A Stoppage of the press once effected, our liberties are established and an end is put to the war. Our enemy's whole dependence now rests upon our being crushed with the weight of Rheams of depretiated paper money. Once remove that ground of Hope and they will offer us, as proud and haughty as they may be, honorable terms of peace. . . .

302. SAMUEL HOLTEN TO THE PRESIDENT OF THE MASSACHUSETTS
COUNCIL (JEREMIAH POWELL).¹

PHILADELPHIA May 25th 1779.

Sir,

I embrace the first opportunity of informing the Hon'ble Assembly of two (particular) resolutions of congress, that have passed since I had the honor of addressing you last, which are as follows.² . . .

The last resolution, I expect will be sent you in a formal manner; I shall make no observations to shew the necessity of the said resolution, further than desiring the attention of the Hon'ble court to the state of our currency, which most [*sic*] really be alarming to every friend to his country, and I apprehend that it is become necessary, that the continental treasury should be supplied with money, as soon as possible, from the several states, sufficient to pay the current expences, either by taxes or otherwise, so that the emissions may cease, or what may we expect from the increasing depretiation; Congress have assigned three days in a week to consider the state of our money and finances.³

I inclose the weekly journals, etc.

³ See the *Journals*, May 19, 21.

[302]¹ Mass. Arch., CCI. 61.

² These were, the order, May 22, for a warrant to John Lowell, and the resolve, May 21, calling upon the states for their respective quotas of 45,000,000 dollars.

³ See the *Journals*, May 17; cf. Apr. 27.

303. DANIEL OF ST. THOMAS JENIFER TO ———.¹

PHILADELPHIA May 26th, 1779.

Dear Sir,

Your favor of the 17th I have received. From the late Conduct of the Enemy in Georgia and Virginia I am of Opinion that it never was their intention to make peace before they had risked this Campaign, whatever may have been the appearances to the contrary. Congress never had it in their power absolutely to command a peace consistent with Treaties but I think they had it in their power to have put our affairs abroad in such a situation as probably would have insured it, or at least made prospects more certain than they are at present. War as you justly observe is very uncertain and we must not aim at too much, lest we risk the losing of all. I would not be understood, that I blame Congress it may have acted wisely and the event may justify their proceedings. I believe there is not a member in it that would even sully his reputation by thought much less by actions of making any terms inconsistent with Treaties. The great risk we run, will be the extension of our ideas and plans beyond them.² . . .

I believe the Quarter Masters and Commissaries have had their share in the Depreciation of our Currencies. An enquiry into their Conduct is now on foot,³ and if I can touch them up over the left shoulder they may depend that I will do it. perhaps their Tens of thousands, and hundreds

[303]¹ Md. Hist. Soc., Gilmor Papers, III. 3.

² See nos. 255, 256, 269, 270, *ante*. Cf. Washington to Governor Johnson May 22, *Arch. of Md.*, XXI. 411. For some account of conditions in Maryland at this time, see Delaplaine, *Life of Thomas Johnson*, ch. XX.

³ Jenifer doubtless had in mind the inquiry ordered by Congress two days later (May 28; committee, Dickinson, Sherman, Scudder). Cf. no. 275, *ante*. The inquiry had been recommended by the board of treasury in a report bearing the date Apr. 21 and found in the *Journals* under Apr. 27, but probably first brought in Apr. 22. The resolution proposed by the board and referred to in their report is no. III. of the treasury documents found in the *Journals* under Apr. 22. (The resolution may have been offered Apr. 13; see the *Journals* of that date; also the editorial note under Apr. 22, p. 491.) Another recommendation of the board of treasury, mentioned in the report of Apr. 21 and embodied in a resolution (no. II. of the treasury documents above referred to, bearing the date Mar. 31) on which action was taken the same day (May 28), resulted in the appointment of a separate committee to report a plan for putting the commissary-general's, quartermaster-general's, and medical departments on a different footing with respect to the expenditure of public money (committee, Dickinson, Huntington, Burke). This committee made a partial report on June 14. The first committee mentioned above made special reports July 8 and 9, and an extended report July 23. The work of the committee may in a measure be traced by reference to the *Journals* June 15, July 6, 8, 9, 23, Aug. 11, 23, Oct. 18, 19, Dec. 2 (motion of John Mathews), 4, 11 (p. 1370), and Jan. 20, 1780. Antedating both these committees was one appointed Jan. 25 on a motion for remedying abuses in the several public departments (committee, Samuel Adams, Gouverneur Morris, Roberdeau, Root, and Meriwether Smith), but it is not at all certain that this committee ever acted. The committee "for arranging and correcting abuses in the quartermaster and commissary departments", to whom was referred July 15 a letter of the president of Pennsylvania, may have been the committee of May 28 for arranging the several departments (the designation generally given it), but it was probably the committee appointed Nov. 10, 1778, to superintend the commissary and quartermaster departments, for the report (see the *Journals*, Aug. 11) was prepared by Gouverneur Morris, a member of that committee. The latter committee, with some changes of membership (see the *Journals*, Jan. 23, Apr. 22, Aug. 17, Sept. 26, Nov. 5), functioned steadily until Nov. 25, 1779, when it was discharged and its functions transferred to the board of war, although several of its reports were acted upon subsequently. Cf. nos. 367, 383, 655, 664, 680, 681, *post*. See also James Lovell to Samuel Adams, Jan. 21, 1780, in the next volume.

of thousands that they have made, may be brought down to Units before we have done with them. But the speculators are the Vermin that have been the great cause and source of our misfortunes in this respect. I believe so much has been said of Speculators that most of them that were in Congress have withdrawn from that body a Mr. T. Adams from Virga. left it since I came to Phila and I am told does not intend to return again if there are more of those reptils among us God send us a thorough deliverance. Chase denies that he speculated in Flour, and Major Mercer has allowed me to make use of his name as the author. S Adams declared to me in the presence of Mr. Henry that he never said, or heard that Mr Tilghman or Mr. Carroll, proposed sending to Genl Howe to know what terms he had to offer, and that Chase must have been mad.

The Secret of Congress was not of the magnitude that some gave out, nor yet was it so deminute as Mr Lee would insinuate. Take the mean between the Two accounts, and you will be near the truth ⁴ I think Mr Carmichael received your Letter. I will speak to him I did not attend to your request till this moment, and the Post perhaps may set out before I close my Letter if I was to keep it open till I see him at Congress to day. . . .

304. SAMUEL HOLTEN, DIARY.¹

[May 26, 1779.]

26. Genl. Election, Boston. Congress recd. a petition from President Read and a number of others respecting financing.²

305. JOHN FELL, DIARY.¹

Wednesday 26th May 1779. Commercial Committee Congress. A Letter from T Payne, abusing Mr. Deane was Read and took up a deal of time in debate. The Adress to the People was read paragraph per paragraph and unanimously agreed to and 500 Copies orderd to be Printed. One of the Delegates of the State of Pennsylvania informd the House that the President with some other Gentlemen, were at the door, waiting with a Petition which they would be glad to Represent, in such way as would be most agreeable. after some short time it was agreed, that the Secretary should desire the President and the Gentlemen with him to come in and Present the Petition, which he did and after a short Introductory Speech on the Occasion the Gentlemen withdrew, and the Petition was Read.

⁴ See nos. 259, 261, 262, *ante*. "Mr. Lee" may have been Richard Henry Lee, who had left Congress only two days before, but the allusion is more probably to an expression of Thomas Sim Lee, a member of the Maryland council.

[304]¹ *Essex Inst. Hist. Colls.*, LV. 256.

² Cf. no. 305, *post*. In the Laurens Papers (Congressional Letters, etc.), South Carolina Historical Society, is a copy of a memorial of sundry inhabitants of Philadelphia, asking that Congress determine the extent and quantity of emissions. Cf. *Pa. Arch.*, first ser., VII. 416. Concerning a petition relative to the court of appeals presented May 22, see *ibid.*, p. 422.

[305]¹ Library of Congress, Journals and Diaries.

Thursday 27th May. Commercial Committee Congress. Letter from the Sieur Girrard was Read The order of the day, for taking up the Ultimatom on the fishery. after many speaches and long debates, it was agreed to withdraw and Repeal all the former Resolutions, amendments and Substitutes, and begin anew.

306. RICHARD HENRY LEE TO HENRY LAURENS.¹

CHESTER 8 oclock Thursday Ev'g
[May 27, 1779.]

My dear Sir,

On my way here I met with Mr. Serjeant,² of whom I enquired touching the proof he had mentioned of Deanes having communicated the intended Treaty to Wharton in London some days before its conclusion. The witness is, it seems, Surgeon to Proctors Regiment, now on its way to Pittsburg. This man was the Bearer of the letters to Wharton, and his evidence is I think very conclusive. . . . This evidence may easily be had from Pittsburg, Sr. James Jay and Capt. Nicholson are in Philadelphia Mr. Diggs will attend when called on.³ These, with the papers you have, shew enormity sufficient to place Mr. Deane in the light he ought to be seen in. . . . I understand by Mr. Sergeant that Mr. Secretary Thomson has long been acquainted with Dr. Kendals⁴ evidence, and having concealed it, and acted the part he has done, renders him as unfit to be the Secretary of Congress, as any other W-h-e in Philadelphia. . . .

P. S. My friend Colo. Scudder will exert himself in getting this evidence to prove the perfidy of our self applauding, discarded, wishing to be Minister.⁵

307. HENRY LAURENS, MINUTES OF DEBATES.¹

Sh———² it will be for the Interest of England that we enjoy a common right in the Fishery.

Ger——— it is more injurious to remain in our present circumstances than it would be to determine in either way.

Ch. J. McK. exhonerated himself handsomely and told us our Ultimatum was subject of common conversation in every Country town, the secret disclosed by Members of Congress at Reading in Berks.

[306]¹ L. I. Hist. Soc., Laurens Papers; *Letters* (ed. Ballagh), II. 58.

² Jonathan Dickinson Sergeant, sometime member of Congress from New Jersey.

³ See the letter to Francis Lightfoot Lee, Jan. 3, 1779 (dated 1778), in *Letters* (ed. Ballagh), I. 373, and Lee's articles which appeared in the *Pennsylvania Packet* in August (*Letters*, II. 108, 125, 132, 138); see also Wharton, *Rev. Dipl. Corr.*, I. 639, III. 136 (letter of Arthur Lee, Apr. 26, 1779).

⁴ Probably Dr. Joseph Kendall. See Hays, *Calendar of the Franklin Papers*, I. 462, IV. 268, 279.

⁵ See no. 354, *post*.

[307]¹ S. C. Hist. Soc., Laurens Papers, XV.

² The speakers are Sherman, Gerry, McKean, and Drayton. "Ch. J." is for "Chief Justice". McKean, though a delegate from Delaware, was chief justice of Pennsylvania, while Drayton was chief justice of South Carolina.

Ch. J. D. very flimsily told us the Ministers Memoirs effectually knocked down all the arguments in opposition (to restricted fishery)

All then withdrawn after 3 Hours debate 11 o'Clo. to 2.

Then *Resolved*

"that in no case the common right of Fishery be given up."³

[Endorsed:] Minutes of Debate on Ultim. 27 May, '79

308. JOHN FELL, DIARY.¹

[May 28, 29, 1779.]

Friday 28th May Commercial Committee Congress. Letter from Genl. Washington at So. Carolina Order of the Day, on Finance. some consideration on Do.² P M Marine Committee Mrs. Fell and Peter sent for³

Saturday 29th May Com. Committee Congress. Letter from So. Carolina. Order of the day, to take in to consideration the dispute between the States of New York and Vermont.

309. GOUVERNEUR MORRIS TO ROBERT R. LIVINGSTON.¹

PHILADELPHIA 30th May 1779

Dear Livingston

. . . . This City is now the scene of politics high and low I may add it is the scene of faction anarchy and distraction. Never were the affairs of any country in a better and a worse situation than those of America at this moment. A storm is gathering and will burst upon the heads of our enemies, perhaps of our own. Would to God that the desire of that great luxury to be free was the great desire of my countrymen, but other luxuries more alluring have influenced but too much upon their conduct. The torrent of *paper money* hath swept away with it much of our morals and impaired the national industry to a degree truly alarming. Having successfully opposed the first energetic efforts of the enemy the struggle seems to have exhausted us and after foiling the giant we shrink at the touch of a child. I fear before this reaches you Charlestown will no longer own the authority of Congress. . . .

310. CHARLES CARROLL OF CARROLLTON TO WILLIAM CARMICHAEL(?).¹

Private.

31 May 1779.

Dear Sir,

You will receive with this a long letter on the subject of Confederation. I did not care to intermingle with that subject other matters that I shall

³ See the *Journals*, May 27; cf. *ibid.*, Feb. 23, Mar. 17, 19, 22, 24, May 8, 12, 13, and nos. 255, 256, 269, 270, *ante*, 317, 360, *post*.

[308]¹ Library of Congress, Journals and Diaries.

² Samuel Holten's record for this day is: "28. Congress has spent part of this day on finance. I walked out with Mr Gerry" (*Essex Inst. Hist. Colls.*, LV. 256).

³ See no. 355, *post*.

[309]¹ N. Y. Pub. Lib., Bancroft Coll., Livingston Papers, II. 175.

[310]¹ From a photostat copy of the original, furnished by the courtesy of Mr. Cyrus H. McCormick of Chicago. The letter is endorsed, in a writing which can scarcely be other than that of Carmichael, "C. Carol of Carolton Esqr. 31st May 1770".

mention in this, because you may probably be inclined to shew the other letter to more persons than one.

As I wrote to you a long letter on Finance I shall say little about it in this. I must remark that Mary'd will, I believe, pay very reluctantly heavy taxes, excluded as she is from the back lands, etc. in a situation of having the free navigation of Ches[a]peake Bay contested by Virginia. Time will shew whether my conjectures are well founded or not. Taxation, the heaviest that can be imposed, does not appear to me in our present circumstances, by any means an adequate remedy to the evil we feel and dread. I have assigned the reasons of this opinion in my last.

Do not imagine that I think Congress had more wisdom, when I was a member of it, than it has now. [I a]lways thought it, in the whole, a weak assembly, fond of talking, and not much addicted to thinking.² However I believe it was less distracted by party than at present, and freer from trading members, if report [is] to be credited.

The faction of the Lees is industriously propagating, as I hear, that their opponents, or most of them, are engaged in mercantile connections with Dean and others. I hope this is not true, for be assured, if it should turn out so, that party will lose the con[fidence of] the People. If members of Congress should engage in trade, their votes in that assembly, it is to be feared, will be often guided by their particular interest. Mr. Chase was excluded from Congress on the current report of his being a speculator. I have heard it said that G. Morris is in trade. I hope the report is groundless. I have a high opinion of that gentleman's abilities, and integrity; the latter may be warped by the prospect of amassing great wealth—*ceci entre nous*.

What you say about the army is truly alarming. A subsidy from France would put a stop in some degree to these discontents, which I suppose arise principally from the badness of their pay—but a subsidy alone will not do I fear; the true Patriot's scheme must be adopted at last. Taxation in the present urgency of the evil is too slow and languid a remedy.

Your talking of ultimatums *now*, is somewhat out of season: is it not? I do not like the Mobbs you speak off, and for the reasons you quote from de Retz. These rapacious monopolisers, and Engrossers, are a Detestable Race; they aggravate the miseries we experience. I wish laws could be devised to reach them, without occasioning as great or greater mischiefs. I can think of none that will be effectual, and not in other respects very exceptionable: the root of the evil lies in the quantity of money, and its depreciation arising from that, and other causes.

² Cf. vol. III., no. 210. Although Carroll had some months before this resigned his seat in Congress (he did not, in fact, attend Congress at any time in 1779), yet this letter is written so largely from the point of view of a recent participant in the proceedings of that body and bears so intimately upon problems then under consideration, that it is deemed proper to include it here.

In a letter to Franklin, Dec. 5, 1779 (Am. Phil. Soc., Franklin Papers, XVI. 147; Rowland, *Charles Carroll of Carrollton*, II. 26), Carroll mentions his resignation from Congress, then remarks: "The situation of my domestic concerns, and the little use I was of in that Assembly, induced me to leave it altogether. The great deal of important time, wh. was idly wasted in frivolous debates, disgusted me so much, that I thought I might spend mine much better than by remaining a silent hearer of such speeches as neither edified entertained or instructed me." In the same letter he discusses at some length financial conditions and the measures proposed by Congress.

The ostensible motive of these Mobbs is the punishment of Monopolisers etc: what do you think to be the real one?

What is the present strength of Gen. Washington's army? I hear he has sent off considerable detachments to the westward: what is their object. Pray remember to answer the questions in my last.

Inclosed you have a letter printed in Mr. Hayes gazette of the 28th May and published in this city. The letter, you may depend on it, is genuine; I imagine the parties in Congress will differ much about the application of the words "*execrable faction*". The letter writer you may be assured did not mean to apply them to *his party*.³

It appears to me that Congress was too much engaged during the winter and early in the spring in party matters. I wish that Assembly had then attended to the recruiting the army and some rational plan for appreciating the money. The Resolve of Congress for recruiting the army did not get to hand till that Assembly was on the point of rising.

It appears to me that the Court of London has duped that of Versailles for once: at least I suspect that what ever overtures the former made to the latter thro' the Spanish ambassador, were made to deceive France, Spain, and these States, and to occasion divisions here about the terms of peace, and make us relax in our preparations for war. Are you not of this opinion now?

June 3d.

Yesterday I saw the late Address of Congress to the People: ⁴ it is well drawn but I think it comes too late by six months. I am glad Congress reprobrates [*sic*] monopolising: from that circumstance I presume, there are no, or few, Monopolisers in that body. An opinion, the very contrary of this, has been taken up by the Public, and I am informed that Congress is very generally and disrespectfully spoken of, which gives me much uneasiness, particularly if it should not deserve the public censures; if it does deserve them, some steps should be taken to purge that Body of the interested factions, and trading part of it.

It surely is late now to call upon the States to fill up their Battalions and to raise 45 millions additional by taxes for the service of the current year.

4th May [June].

We have been thrown into much confusion for two or 3 days past by the arrival of 2 large french ships from Cape Francois in 12 days. These ships were first discovered by a look-out boat off the mouth of Potuxon and little doubt was entertained here for upwards of 24 hours but that they were the van or leading ships of the british fleet.

One of them is now in sight, I intend going on board if I can, and if they bring any intelligence, and I have time to write it before the departure of the post, you shall have it. I am afraid I shall not be back in time for the post, so I conclude hastily with assuring that I am

yr. friend and hum. Servt.

CH. CARROLL OF CARROLLTON.

³ No copy of the *Maryland Gazette* of May 28 has been found, but the item was reproduced by "Americanus" in an article published in the *Pennsylvania Gazette* of June 23. See no. 360, note 4, *post*.

⁴ The address of May 26, which was printed in the *Pennsylvania Packet* of May 29. See the Bibliographical Notes, *Journals*, XV. 1456-1457.

311. WHITMILL HILL TO THOMAS BURKE.¹[May —? 1779.]²

Sir:

. . . . I have therefore only to mention that the Friday after leaving you I was at my home, so that I performed the journey in about seven and a half days, a ride scarcely performed before in so short a time.³

Being at Home eight days, my Duty had me to wait on our Assembly. They met at Smithfield, a rascally hole for such business.⁴ The Assembly called on me to know whether I thought there was any probability of their having their Continental Troops sent to our assistance. I answered that the Delegates had pointed out the absolute necessity there was for those troops being sent to the Southward, when it was forcibly opposed and asserted that the enemy could not possibly mean to prolong the Campaign in the Southern States, but by way of diversion.⁵ This now, however, seems to be found erroneous. I told them that perhaps a formal application from the State, with the notoriety of the necessity, might induce Congress to grant us the aid. I likewise advised the Application to Congress for money,⁶ and instanced the sums granted to Pennsylvania and South Carolina,⁷ and as our militia are always carried out of their own State to action, where our currency will not be received, our men, with

[311]¹ *N. C. State Recs.*, XIV. 1.

² This letter must have been written near the end of May, for toward the close of it Hill says, "I wrote you about a fortnight past, informing you of some steps taken by our last Assembly" (see note 4, below). Elsewhere in the letter he remarks, "We have been last week alarmed by the Enemy landing at Portsmouth, and marching immediately to Suffolk which they laid in Ashes", etc., which indicates that the date was probably in the last week of May. The news of the march of the enemy upon Suffolk was despatched by Joseph Hewes from Edenton to Governor Caswell May 12 and reached Caswell May 17 (*N. C. State Recs.*, XIV. 82, 84; see also Caswell to Gen. Allen Jones, May 19, *ibid.*, p. 86). Definite information of the burning of Suffolk was sent to Caswell by Hewes May 23 (*ibid.*, p. 94). Cf. nos. 283, 288, *ante*. Hill's reference to the news from South Carolina points to the same period.

³ Although Hill is last recorded as voting Apr. 20, he may not have left Philadelphia before Apr. 22, for he wrote to Burke from Richmond Apr. 28, "the sixth day after leaving you I arrived at this place" (*N. C. State Recs.*, XIV. 75). His arrival at home was evidently on Friday, Apr. 30.

⁴ The North Carolina assembly met at Smithfield May 3-15, 1779 (Senate Journal, *N. C. State Recs.*, XIII. 735-783; House Journal, ending May 12, *ibid.*, pp. 784-824). Hill probably arrived at Smithfield May 10 or 11, for he appears to have accompanied thither William Hooper (see below), who took his seat in the house of commons May 11 (*ibid.*, p. 817). Hill's appearance before the assembly may have been on that day.

May 14 William Hooper wrote from Smithfield to James Hogg (?) that, on his way to attend the assembly, he had met up with Hill and had pried him with questions respecting the proceedings of Congress. "I conversed with him on my way hither", he says, "but could obtain no satisfactory information as to the grand secret which has been long the subject of public Speculation. A secret he said there was, of infinite importance to the publick, that a part of Congress were in opposition to it. That he wished he was at liberty to communicate it, that he believed it would be much for the Interest of the Southern States that it should be divulged. Upon the whole I am convinced that overtures of peace have been made, how God knows!" (*N. Y. State Lib., Declaration of Independence*, p. 233).

⁵ Cf. no. 178, *ante*.

⁶ See the *Journals*, June 23, July 12, 14.

⁷ The appropriation to Pennsylvania was doubtless the loan of \$2,000,000, Apr. 9. No similar appropriation to South Carolina is recorded, but Hill probably has reference to the two sums of one million each remitted to John Lewis Gervais, deputy paymaster-general in South Carolina, Feb. 3 and Mar. 19.

their pockets full of money, must starve for the little comforts of life which are absolutely necessary in a camp.

Therefore I hope you will forcibly urge the grant of the money if they mean to protect this part of the Continent, if not, desire them to declare so, that we may know what ground we are on. . . . Our Assembly and People are really zealous and determined in the cause, but I must confess that Congress stands very low with them, particularly the Speculative Gentry who met with heavy losses on the disclosure of the important secret, etc.

I must not omit informing you that Gov. Reed's Bull against Gen. Arnold being forwarded to Gov. Caswell, he laid the same before the Assembly, who unanimously agreed not to suffer it a Reading, viewing it as a glaring instance of Tyranny unpractised before among civilized people. Mr. Reed may be assured this was the reception his dogma met with among our freemen.⁸

Why did not Congress press Laurens for his copy of the Letter that he might be a little disgraced? but why do I mention Disgrace? Is he not callous to any sense of shame? I think his character much more pitiable than any other in Congress, as for Adams and Lee, they have Designs and great objects in view, but our Southern Champion is duped by their flattery, an artillery which he cannot oppose.⁹ . . .

312. JOHN FELL, DIARY.¹

[May 31, June 1, 1779.]

Monday May 31st Com. Committee, did not go to Congress

Tuesday June 1st Commercial Committee Congress. Order of the day to consider the matter relating to New York and Vermont.

313. THE NEW YORK DELEGATES TO THE GOVERNOR OF NEW YORK (GEORGE CLINTON).¹

PHILA'A 1st June 1779

Sir

We were honored with your Favor of the 29th Ulto this Morning. Congress was then in a Committee of the whole House considering that Subject. They came to several Resolutions which were almost unanimously agreed to by the House and of which the President sends you a Copy by the Express who carries this.²

It gives us Pleasure to inform you that our New England Brethren came very generally into the Measure and appear sincerely disposed to

⁸ The reference is presumably to the circular of Feb. 6 (*Pa. Arch.*, first ser., VII. 183). See no. 58 (note 2), *ante*.

⁹ See no. 274, *ante*. The news of this episode could not have reached Hill earlier than the end of May.

[312]¹ Library of Congress, Journals and Diaries.

[313]¹ Haverford College, Roberts Coll., 722; N. Y. State Lib., Papers relating to the Vermont Controversy, p. 15 (copy); *Doc. Hist. of N. Y.*, IV. 583 (quarto ed.), IV. 968 (octavo ed.); *Clinton Papers*, V. 9.

² See the *Journals*, June 1, 2; *cf.* nos. 314, 318, 319, 322, 349, 357, 403, 407, 409, *post*. Clinton's letter of May 29 is in *Clinton Papers*, IV. 859. Sparks mentions (*Life of Morris*, II. 211) a sketch of debates on the Vermont question, prepared by Morris, but this editor has not found that sketch.

terminate those unhappy Disorders. The Moderation observable in those Resolutions we hope will meet with your Approbation. The more gentle just and persuasive the Proceedings of Congress in this Business are the more likely they will be to succeed and if treated with Neglect by the People of the Grants the greater Degree of Indignation will such Neglect create through all the States. These Resolutions coincide exactly with the Ideas of the Eastern Delegates. The Committee will be chosen Tomorrow. We shall for many obvious Reasons vote for a Majority of Eastern men. The Proclamations doing Justice to the Revolters have had a happy Effect here. In our Opinion it will be wise to abstain from Hostilities for the present and rather suffer a little than shed Blood. If the Members of Congress are really as much in earnest as they appear to be all [will] be well. We are very much disposed to credit their Declarations on the Subject and have Ground to hope that this and every other Cause of Jealousy may be done away and mutual Confidence Harmony and Good Understanding take Place between New York and her Sister States to the Eastward. These are essential to their common Prosperity and must give sincere Pleasure to every well Wisher of the American Cause. Be assured that our Attention to the Rights of our Constituents on the present important Occasion shall not cease and that we are with great Respect and Esteem

Your Excellency's most obedient Servants

JOHN JAY

JAS. DUANE

WM. FLOYD

GOUV MORRIS

314. JAMES LOVELL TO HORATIO GATES.¹

June 1st [1779.]

My dear Sir

. . . . I hope we shall be able to tell the Continent we will not strike another Bill after a few Weeks. Monied Men ought to subscribe to lend us on such assurance being given to them. The Quarter Master and Commissary Genl. call upon us so as to make it imprudent to declare we will stop the Press till we have some Prospect of other certain supply. . . .

I am now out of the Way of my public duty. Vermont is the order of the day in Committee of the whole. The desire of N Y'k is that We sh'd declare against any *Seperate State*, recommend a Return to Allegiance for the present to N. Hampshire and new York as it was practiced before this Contest with Britain, and promise that we will procure a Redress of Grievances. The first proposal involves a great Question hinted at by Maryland. If the Felicity of the People is the Ground of uniting under Government if certain and easy Execution of Law makes part of that Felicity, surely a Proposal to seperate in extensive Jurisdictions is very natural. Provinces allow it to Towns upon hearing the Parties, Towns to parishes etc. Neither the Provinces or Towns becoming Losers but rather Gainers by the Bargain the *Continent* cannot lose by runing lines of Survey be-

[314]¹ N. Y. Hist. Soc., Gates Papers, XV.

tween State and State but will certainly gain by all the Comforts and Conveniences will [which?] the Parts from Time to Time acquire tending to encourage Population and Culture.²

your affectionate humb Servt.

JAMES LOVELL

315. THE MARYLAND DELEGATES TO THE GOVERNOR OF MARYLAND
(THOMAS JOHNSON, JR.).¹

Sir,

PHILADELPHIA June 1st 1779.

We Have the Pleasure to acknowledge your Excellency's Favor, by this Post and in Answer we observe that the Reason of the last Recommendation was, that Congress had appointed a Committee, in Conjunction with the General, to new model and reduce the Number of regimental commissioned Officers that Regulation took Place in May 1778, after which the States, it was presumed wou'd resume their Powers conforming to the Regulation adopted in May 1778.² A Vessel having a short passage from Providence brings an Account of the british being defeated near Charles Town, with the loss of thirteen hundred killed and taken we sincerely wish it may be true, but at present it wants Confirmation. We have exerted ourselves to get as many Arms sent to our State as we cou'd, but fear the Number will fall far short of what you may expect or want, tho we flatter ourselves that you will not be under the disagreeable Necessity of using them. In Compliance with your Request we applied to the General, who has sent down Brigadier Gist to take Command of our Militia, inclosed is his Excell'cys Letter to us.³

We have the honor to be with the most perfect Respect

Yr. Excellency's most obt. Servants

GEO PLATER

WM CARMICHAEL

J. HENRY

DAN OF ST THOS JENIFER

We have just obtained an Order for 250 Stand Arms in Mr. Wests Hands

² Cf. no. 313, *ante*.

[315]¹ Md. Hist. Soc., Red Book, V. 19; *Arch. of Md.*, XXI. 438.

² The Maryland delegates appear to be replying to a letter of May 26 (*Arch. of Md.*, XXI. 422), which contains the following passage:

"By the Resolutions of Congress 16th Sept'r 1776, the Appointment of all officers and filling up Vacancies (except General Officers) was left to the Governments of the several States. 31st Decem'r 1777, the Congress recommended to the Governments of the several States to suspend filling up any Vacancies in their respective Regiments until they should hear farther from Congress on the Subject. We have not yet heard farther from Congress on the Subject though doubtless many Vacancies in the State Regiments have been filled up since the 31st December 1777. The Officers in the Maryland Line complain of a Want of Subaltern Officers and probably there may have been some Appointments in that Line without consulting us. Filling up Vacancies is a Work not the most agreeable to us, but we cannot, with propriety give up that Part of the Civil Power of this State. You'll oblige us by letting us know whether there's any Resolution contrary to that of Decem'r 1777, or whether it remains for want of attending to it." Cf. Washington to Johnson May 28 (*ibid.*, p. 430).

³ The request was in the letter of May 20 (*Arch. of Md.*, XXI. 404). See also Washington to Gist May 27, and Gist to Johnson June 1 (*ibid.*, pp. 426, 438). The letter of the delegates to Washington, May 23, and Washington's reply, May 25, are in the Washington Papers.

316. DANIEL OF ST. THOMAS JENIFER TO THE GOVERNOR OF MARYLAND
(THOMAS JOHNSON, JR.).¹

PHILA. June 1st 1779

Dear Sir,

The intelligence that Congress has received from Virga. is very imperfect. . . .

The Gentleman you've named would do exceedingly well for the Purchasing such Articles as you mention for the Army, and ought to be furnished with Money in time; but as plenty as it is abroad, it is scarce enough in the Treasury. Ten Millions of Dollars were lately issued and Ten Millions more must be within a few days. Whilst Congress are disputing upon Modes of Finance, our Money is sinking to nothing, tho' I must observe to you, that Gold has fell within a few days from 25 to 18. for one, and other Goods, and Provisions have fallen some thing. But they will rise again and perhaps be higher than ever, unless some methods are expeditiously adopted that may give our circulating Medium a better Credit than it is in at present. . . . But what is doing for us in Europe we know not, having had no intelligence from that Quarter for five Months past. . . .

Some method must be taken to satisfy our Army, it's impossible for us to keep it together much longer, unless the Depreciation of the Money is made up to the Officers. Connecticut has promised their Troops that it shall be done, but partial promises hurt the Cause more than they help it. . . .

317. JOHN FELL, DIARY.¹

[June 2, 3, 1779.]

Wednesday June 2d Com Committee Congress. This day chiefly spent on Finance.

*Thursday June 3d*² Com'l Committee Congress. After the Letters were Read, The Order of the day relating to the ultimatom on the Fishery³

318. JOHN JAY TO THE GOVERNOR OF NEW YORK (GEORGE CLINTON).¹

PHILADELPHIA 3d June 1779

Dear Sir

It will doubtless give you Pleasure to hear that the York Delegates voted for each of the members of the Committee mentioned in the Letter herewith enclosed, four of them were unanimously appointed, and there were but two Ballots which did not contain the name of Mr. Root. The unanimity of Congress on this occasion is an agreeable Circumstance. Mr. Laurens moved that Vermont should be desired to send Deputies to

[316]¹ Md. Hist. Soc., Red Book, V. 38.[317]¹ Library of Congress, Journals and Diaries.

² "Doctr Witherspoon, Hon. Mr Duane and Mr de France dined with us" (Samuel Holten, Diary, June 3). "Mr de France" was doubtless M. de Francy. See the *Journals*, June 3; cf. vol. III., no. 701.

³ See nos. 255, 256, 269, 270, 307, ante, 360, 361, 366, 368, 369, 380, 381, post.

[318]¹ N. Y. State Lib., George Clinton Papers, no. 2360; *Clinton Papers*, V. 17.

represent their Case to Congress but nobody seconded him. He denies Allens Report so far as it respects him to be true. He confesses often to have seen Allen and to have promised that he should be heard, before Congress did any thing in the matter. The few dissenting voices on the Question disliked the moderation of the Resolutions, and were for coercive measures in the first Instance. Their future Conduct however (should the Controversy continue) will be influenced greatly by the Report of the Committee who are not ill disposed towards us at present.² . . .

319. JAMES LOVELL TO HORATIO GATES.¹

June 3d, 1779

Dear Sir

Should this be delivered to you by Col. McNutt in person you will be fully made acquainted with the Wishes and Intentions of the Revolutionists of Nova Scotia. My Heart is much set upon a Revolt of that State, and I wish you to favor the Idea to the utmost of yr. Power wherever you may Command. The People of that Part of the Continent are well prepared in Mind to take advantage of the first critical Hour: But they are less than for thre[e] years back able to equip themselves properly for the desirable *Ecclaircissement*.² . . .

We have appointed a Committee of 5 to go to the Grants to enquire into the Cases of the present Animositities. The Com'tee is to report specially. N Y'k seems to hope much Good from this measure—Mr. Ellsworth Mr. Root Mr. Edwards Col. Atlee and Dr. Witherspoon.³

The Capture of Hamilton of Detroit is credited here.⁴ *We are in a train for an amicable adjustment of certain definitives which have been laboring months back* this I say in Confidence.⁵ . . .

320. THE BOARD OF WAR TO GEORGE WASHINGTON.¹

WAR OFFICE 3 June 1779.

Sir,

I am directed by the Board to solicit your Excellency's attention to a matter that must soon become interesting to the different States. They have been inform'd that most of the inlistments in the army are "for *three*

² Cf. nos. 313, 314, *ante*, 319, 322, *post*.

[319]¹ N. Y. Hist. Soc., Gates Papers, XV.

² See no. 194, *ante*; cf. nos. 325, 333, *post*.

³ See the *Journals*, June 1, 2, 16. Of the members of the committee only two, Witherspoon and Atlee, were then in attendance. Ellsworth had been absent since Feb. 19, Root since Apr. 6 or 7. The Mr. Edwards of the committee is identified by the editor of the *Journals* as Pierrepont Edwards, but it was no doubt Timothy Edwards, member elect from Massachusetts. The report of Witherspoon and Atlee (*Journals*, July 13), for instance, mentions their writing to Mr. Edwards at Stockbridge, which was the home of Timothy Edwards. Pierrepont Edwards was not a member of Congress at this time. See, further, nos. 322, 400, 403, *post*.

⁴ See the letters of the Rhode Island delegates May 25, in Staples, *R. I. in Cont. Cong.*, pp. 235, 237.

⁵ Principally the question of fishing rights. A special committee of thirteen on foreign affairs was appointed Jan. 20, and the ultimata to be included in a treaty of peace had been under discussion since early in February.

[320]¹ Library of Congress, Letters to Washington, XCIII. 188.

years, or *during the war*"; and from the ambiguity of the expression, different constructions have been put upon it; the officer insisting that the latter clause extends, and the soldier that it restricts the term of service.²

321. HENRY LAURENS, STATEMENT.¹

[June 3, 1779.]

When Dr. Morgan's Memorial and the Report were given in at the Table, 13 March 1779 Mr. D² pressed for a day for considering it, said "perhaps I may not be here, therefore I wish for a short day". Postponed. three or four days after, Dr. Morgan called on me and pressed my aid to bring on the consideration. I assured him of my good will towards him (which I did with great sincerity) and added I was sorry he had been so very severe upon particular characters, it did not in the least degree help his cause, that a plain state of what appeared to him to be facts, would have left Congress unbiased judges, whereas such language as he had adopted would at least seem to have been calculated for prejudicing the minds of the Members of Congress.

Dr. Morgan replied he had struck out those parts which he supposed I alluded to. I was amazed but gave no answer.

About two Weeks after I saw Mr. Drayton at the Table in Congress take the Report of the Committee of which Dr. Morgan's memorial is a part, and having a paper in his left hand as a director for his proceeding, obliterate several parts of the Memorial, which I remarked to two Members then in Congress.

the 3d June '79 Mr. Searle moved in very affecting terms for assuming the consideration of the forementioned Report. Mr. Drayton warmly seconded him.³

Mr. Laurens rose and said he knew of no Report respecting Dr. Morgan before the House, that there *had been one*, but that, *that* had undergone such alterations and obliterations since it had been delivered to the House, as in his opinion, destroyed its original character "the Report of the Committee." the President expressed surprise and ask'd, "Since it was delivered in, to the House?" Mr. Laurens replied, "Yes Sir since and some parts long since".

Mr. M. Smith and Mr. Penn said Doctor Morgan with permission of the Comm'ee had struck out some parts of his memorial which had been thought to contain too severe reflections against particular persons.

Mr. Laurens said he knew Doctr. Morgan had done so, but he would ask his Honorable Colleague Mr. Drayton if he had not also obliterated

² The letter is signed by P. Scull, secretary to the board. Washington replied to it June 9 (Library of Congress, Washington Papers).

[321]¹ S. C. Hist. Soc., Laurens Papers, XXVII.

² William Henry Drayton. A memorial of Dr. John Morgan was presented to Congress Sept. 18, 1778, and referred to a committee of which Drayton was chairman. See also the *Journals*, Dec. 29, 1778. The committee made a report Mar. 13, 1779. In Henkels, *Catalogue*, no. 1011, item 627, is an abstract of a letter from Dr. Morgan to General Greene, Oct. 5, 1778, respecting his case.

³ There is no record of this motion in the *Journals* June 3. On June 5, however, consideration of the memorial was set for June 12. See the *Journals* of that day.

several parts. Mr. Drayton arose and said he had, "that there were some severe epithets which had been struck out (or expunged) *in order to make it go down the better*".

these were his very (foolish) words. the President said to him, "after the Paper was delivered to the house you had no right to strike out or alter a single Iota. I am clear in this".

Mr. Drayton was proceeding to justify his practice or to extenuate the fault, when Mr. Laurens said, *that* (meaning the practice) should be considered at a proper time and he hoped in a proper manner, and called for the Order of the day, Vizt. the Report on Mr. Girard's communication which was accordingly brought forward.

The same Morning Vizt. 3d June, Mr. Drayton came to me in the House and said "Huger and Hutson are come to Town and intend to go to Charles Town in a *day or two* have we any thing to write by them officially?" I answered, "if you recollect any thing, it will be proper. I thought to have transmitted Gen. Washington's orders to Gen. Scott as we had agreed to do in an official Letter but as I found you had privately taken a Copy of it and as you have said nothing to me since I suppose you have sent that Copy, haven't you?" Mr. Drayton in some confusion said, Yes I have, but they (referring to the Gentlemen above named) won't go in less than a day or two and perhaps in that time we may recollect something. I answered, 'tis very well but I suppose the Gentlemen will have the good manners to let me know of their intentions of going.

Mr. Drayton, said no doubt! no doubt! and retired.

N B. the case of Gen. Washington's Orders to Gen. Scott above referred to is this.

the 28th May, when those were read in Congress I moved the House that a Copy of them might be delivered by the Secretary to the Delegates of So. Carolina which was immediately granted.⁴

Mr. Drayton came immediately and asked me for what purpose I had moved for the Copy. I answered for the Delegates. you observed what I said; I think we ought to send a copy in an Official Letter to the Governor (Meaning Governor Rutledge) it will afford some satisfaction to our State to see the attention which the General has paid to them and it will not be amiss to acquaint them with the particular orders and indeed I think it is proper for us to write a complimentary Letter to General Washington upon the occasion. Mr. Drayton highly approved of both propositions. when Congress was about adjourning between three and four o'clock I applied to the Secretary for the Copy. he told me Mr. Drayton had taken one himself. I desired him nevertheless to furnish me with a Certified Copy according to the Order of the House. it was late Saturday Night.⁵ on Sunday Morning Stuart an Express called to inform me he was going to So Carolina, otherwise I should have been ignorant of that opportunity as I had been of many preceeding public conveyances, and as

⁴ There is no record of the motion in the *Journals*. Washington's letter of May 25, read in Congress May 28, enclosed a copy of his instructions to Gen. Charles Scott. The letter is in *Writings* (ed. Sparks), VI. 261.

⁵ Saturday was May 29. Laurens appears to have confused events of the 28th and 29th.

I was morally certain Mr. Drayton knew of it, and as he had not called on or spoke to me concerning the Official Letters which we had agreed to write (and he chooses always to be the writer of our public Letters) I immediately suspected he intended to transmit privately the Copy of the above mentioned Orders, and so it has proved.

his information therefore of Messrs. Huger and Hutsons intention of going to Carolina and application to know if we should write an Official Letter seems to have been calculated for decoying me into an act which should have the appearance of neglect of duty, being rendered unnecessary by his vigilance in the previous private transmission.

The Copy sent to me by the Secry. was not delivered to me till Evening and was not Certified.

322. WILLIAM WHIPPLE TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA 4th June 1779.

Sir,

The frequent applications and great importunity of New-York with Congress to do something respecting the New-Hampshire Grants, has at length produced the Resolutions which I have the Honour of transmitting to you. The Committee will probably be in that Country by the middle of this month or very soon after.² . . .

323. JOHN FELL, DIARY.¹

*Friday June the 4th 1779.*² Did not go to Congress this day.

Saturday June 5th Com'l Committee Congress. A Number of Let-

[322]¹ Mass. Hist. Soc., C 81 A 87; Library of Congress, Force Trans., Weare, p. 318.

² See nos. 313, 314, 318, 319, *ante*, 349, 357, 403, 407, 409, *post*.

[323]¹ Library of Congress, Journals and Diaries.

² Holten's entry in his diary for the day is: "4. I met the medical committee. Colo. Pickering spent the evening with us."

The meeting of the medical committee was probably concerned with the matter of complaints against Dr. Isaac Foster and other officers of the hospital in the Eastern department. A petition from them respecting these complaints was presented to Congress May 28 and referred to the medical committee. Dr. Foster had come to Philadelphia a short while before to discuss his problems with the medical committee, and while he was there wrote a number of letters to his wife, which may be found in the *Atlantic Monthly*, III. 557. In one of these, dated June 5, 1779, he says:

"My business is almost completed, and to my mind. I now wait for nothing but the money with which the Medical Committee recommended I should be furnished with; I expect to receive it the beginning of next week, when I shall set out immediately. Mr. Samuel Adams travels with me."

Another, dated June 9, is in part as follows:

"My dear Polly,

. . . . "I have been received with the greatest politeness and friendship, and every attention paid to me, by men I most esteem, I could wish for; at the same time my business has gone perfectly to my mind. I have leave to reside in Boston for the future, and shall be under no necessity of attending the camp, nor be obliged to visit Philadelphia oftener than once a year. I am to have a mode of settling my accounts pointed out to me, that will be easy, simple, and much to my mind. I now wait for nothing but money to begin my journey. The Treasury Board this morning passed a resolve recommending it to Congress to furnish me with \$150,000 [so in the printed text; it is not to be supposed that Dr. Foster actually used the dollar sign]. I expect to receive the warrant to-morrow, and as soon as I get the money shall set out, which I expect will be about

ters from Genl. Washington advising of the Enemy being in great force gon[e] up the No. River, suppos'd to W't Point Fort

Sunday June 6th. Dined at Mr. Greys

324. JAMES LOVELL TO HORATIO GATES.¹

June 5th 1779.

Dear Sir

I conversed again with yr. Lady before she sat off yesterday, and found she entertained an Idea that a certain Letter had not reached Congress.

I went to the several offices and found that Decr. 5th was the one in Question; ² and that the Board of War had reported on several Parts, but had omitted to say any thing upon the Postscript as they must have given an opinion against it having withstood Genl. Green's and Genl. Washingtons Testimonies in Regard to Blodget and other Aids. It is true that several Inadvertencies are on file respecting Brevets, but they only produced strong Resolutions to prevent their being Precedents implicative of disreputation to others who might be refused on after applications.³ I wish the Correction of a single Slip or two may not induce us to stop in the Work of Reformation so essential on many Points of the Proceedings of Congress. As to personal Slight of you, be assured I hear and see changes every day in those who have not formerly done Justice to your Character.

You will not indeed find such a complaisant Return to yr. Letters by way of acknowledgement, as heretofore, but your Case is not singular; the Manners of the Men differ. One was flush of Pen and Ink the other quite the Reverse; one was with his Candle burning in the Morning almost thro the year, the other has a lovely Wife to amuse him in these Hours.⁴

Pray let me have opportunity to inform you on Points wch. are neglected by others, if the Journals do not answer as they come out. I am pushing them so that the Work shall come out weekly: and will see that you have them: as I shall also the former Parts when they are finished. 1777 and Feb. and March 79 will in a few Weeks be ready to be forwarded.

Your Friend sincerely and humb. Servt.

JAMES LOVELL

next Monday, until which time I am engaged for almost every day. I dine this day with Mr. Adams; to-morrow with Dr. Shippen, in company with the New England delegation; Thursday and Friday I expect to spend with Dr. Craigie in visiting Red Bank, Mud Island, and other principal scenes of action while the enemy were here. . . ."

The warrant was ordered by Congress June 12, as recommended by the committee on the treasury in a report presented that day.

[324]¹ N. Y. Hist. Soc., Gates Papers, XV.

² Gates's letter of Dec. 5, 1778, was read in Congress Jan. 1. It does not appear to be among the Papers of the Continental Congress.

³ See the *Journals*, Apr. 30, Nov. 24, 1778; Feb. 20, 1779.

⁴ Lovell is comparing President Jay as an official correspondent with his predecessor, President Laurens.

325. WILLIAM WHIPPLE TO JOHN LANGDON.¹

PHILADELPHIA 6th June 1779

Dear Sir

This will be handed you by Col McNutt of Nova Scotia. This gentleman being very desirous of uniting his country with the Confederacy has formed some plans for that purpose, which he wished to communicate to some persons in New Hampshire who he may consult on the Subject. for this purpose I beg leave to recommend him to your notice and confidence.²

326. RICHARD HENRY LEE TO SAMUEL ADAMS.¹

CHANTILLY June the 6th 1779

My dear Friend

. . . . Should the news prevailing here of Gen. Lincolns having entirely defeated the enemy prove true, we may hope, as this was done by our own countrymen, that our full share in the fishery and the navigation of Mississippi may yet be obtained notwithstanding the *excellent* and *honorable expositions* that our really excellent friend Mr. Lovell furnished us with a translation of, dated A Philadelphie le 22 May 1779.² It is very amusing to see a Man undertake to condemn, what he supposes, a partial and unfair explanation of Treaty, and proceed to give one himself that is infi[nitely m]ore scholastic than generous, more labored [than] just. However I hope our good Ally entertains no such sentiments, as will lead to yieldings by which our future safety, strength, and prosperity will be put on doubtful ground. . . .

327. RICHARD HENRY LEE TO HENRY LAURENS.¹

CHANTILLY in Virginia June 6th 1779

My Dear Sir,

Our news here is most excellent: I think that in this case we may insist on our full share of the Fishery, and the free navigation of the Mississippi. These are things of very great and lasting importance to America, the yielding of which will not procure the Congress thanks either from the present age or posterity. Yet it appears to me that Congress will suffer themselves to be *wriggled* (for I can hardly call it by so rough a name as *jostling*) out of both these momentous *rights*. Rights say the other side of the House, we deny that, etc.—Softly gentlemen, I have had so many sickening doses of your jargon on this subject, that I do not mean to interrupt my present happy state by suffering such nauseous in-

[325]¹ Library of Congress, Force Trans., Whipple, p. 677.² See nos. 194, 319, *ante*.[326]¹ *Letters* (ed. Ballagh), II. 59; N. Y. Pub. Lib., Samuel Adams Papers.² The memorial of Gérard read in Congress May 22. See no. 288, *ante*, and nos. 327, 343, *post*. Although the memorial had been presented to Congress before Lee's departure, the consideration of it was not definitely taken up until May 27. See the *Journals*, May 22, 25, 27.[327]¹ L. I. Hist. Soc., Laurens Papers; *Letters* (ed. Ballagh), II. 61.

trusion. Nature and reason have given us both, no Attorneys quirks can shake titles derived from such sources.²

. . . . I shall be much obliged to you Sir if you will find some opportunity of getting the papers read in Congress that shew the wicked attempt to destroy the reputation of Mr. Schweighausers house by Chaumont and his friend at Nantes.³ Nor shall I be less thankful for your obtaining a report and conclusion upon the papers I had the honor to send you from hence last december on the subject of Penns purchase of Tobo. in this state under Braxtons direction.⁴

328. JOHN FELL, DIARY.¹

[June 7, 8, 1779.]

Monday June 7th Commercial Committee Congress. Sundry Letters, and long debates abt. Coll. Wadsworth, Commissary Generals Resigning.

Tuesday June 8th Com. Committee Congress. Order of the Day of the Report of Recalling

Mr. Izard. 7 ayes 4 Naes 1 divided.

Will'm Lee 7 do. 4 do. 1 do.

329. THE MARYLAND DELEGATES TO THE GOVERNOR OF MARYLAND (THOMAS JOHNSON, JR.).¹

PHILADEL'A, June the 8th, 1779

Dear Sir

. . . . We have consulted the Board of War upon the latter part of your Letter, and they join in opinion with us, that Congress will readily allow for the Cloathing furnished the recruiting officers and recruits.²

. . . .

We are Sir with the highest respect your obdt. Servts.

GEO. PLATER

WM. PACA

J. HENRY.

DAN OF ST. THOS JENIFER

WM. CARMICHAEL

² Cf. no. 326, *ante*.

³ Chaumont's "friend at Nantes" was doubtless Jonathan Williams. See Wharton, *Rev. Dipl. Corr.*, I. 606.

⁴ Lee wrote to Laurens again June 13: "It has happened as I imagined, that I should be called upon about the letters I inclosed you concerning the misconduct of a Mr. Penn employed by Mr. Braxton to purchase Tobo. for the Continent in this State. I have received a letter since my return, from a Member of our Assembly, desiring to know what has been done in the affair. Be so good Sir as press this matter to a conclusion, as well on principles of public good, as that my unprincipled enemies may not suggest that I have not collusively suppressed enquiry" (*Letters*, ed. Ballagh, II. 70). See the *Journals*, Dec. 14, 1778.

[328]¹ Library of Congress, Journals and Diaries.

[329]¹ Md. Hist. Soc., Red Book, V. 25.

² The letter to which the delegates are replying is in *Arch. of Md.*, XXI. 442, and is dated June 4

330. DANIEL OF ST. THOMAS JENIFER TO THE GOVERNOR OF MARYLAND
(THOMAS JOHNSON, JR.).¹

Dear Sir,

PHILA. June 8th 1779.

. . . . The Virginians and some of the Northern States, (particularly N. York) are inflexible at present as to the Back Lands. The narrow principle of present Emolument supersedes the consideration of future distresses that it may occasion. a little time will convince these men, of their error. The Vermont people have erected a Governmt. and chose a Governor, and every other Officer of Government, and are now under the full exercise of it. The State of New York has applied to Congress for aid—a Committee is appointed to repair to these people, hear what they have to say, and report to Congress. The N. E. States seem to countenance that of Vermont, notwithstanding the Claims of Massachusetts and New Hampshire to considerable parts of the Territory on which these people of Vermont are settled.² Their Aim no doubt is to gain another Voice in Congress. if they succeed, I suppose another State must be erected out of Virga. as a Counterbalance. What will this tend to prove? Why, what you justly observe, that Congress ought to take upon them this business, and retain in that body the power over the unlimited Countries to the Westward. Whilst we retain our negative to the present plan of confederation the Door will be open for Justice to be done us, the moment it is turned into an affirmative, it will not only be shut, but locked against us. You have dropt several useful and wise hints, which deserve the most serious consideration, and I hope will influence; I can truly say, that so far as it may be in my power, they shall be extended to take in those objects for which they were designed.³

331. HENRY LAURENS TO RICHARD HENRY LEE.¹

PHILADELPHIA, June 8th, 1779.

Dear Sir,

I had the honour of addressing you under the 1st instant. From that day to our yesterday's adjournment, we have made no progress in the treasury business, nor in our foreign affairs—none at all. This morning is appointed for resuming the latter. Mr. Deane sent a letter yesterday, which he intimates will be his last: he requests an adjustment of his expenses; and, if I remember right, his salary. the letter was committed to the board of treasury.² Colonel Wadsworth has laid before Congress an alarming state of his department, and again declares his intention to resign.³ No less alarming is an explanation from the board of war, respecting essential articles within their sphere. . . .

[330]¹ Md. Hist. Soc., Red Book, V. 67; Harvard Univ. Lib., Sparks MSS., XXIX. 514.

² See nos. 313, 314, 318, 319, 322, *ante*, 349, 357, *post*.

³ See the Maryland instructions, the *Journals*, May 21. *Cf.* no. 298, *ante*.

[331]¹ Lee, *Life of R. H. Lee*, II. 233.

² See the *Journals*, June 7, 29 (where the letter is mentioned as the "memorial of the 9th instant"), Aug. 6, 26; also nos. 501, 559, 595, *post*. The letter of June 7 has not been found, and no other appears to have been addressed by him to Congress until he presented his memorial of Aug. 16, read in Congress Aug. 19 (printed in N. Y. Hist. Soc., *Collections: Deane Papers*, IV. 68).

³ See the *Journals*, June 7.

332. THE PRESIDENT OF CONGRESS TO THE MINISTER TO FRANCE
(BENJAMIN FRANKLIN).¹

IN CONGRESS PHILADELPHIA June 9 1779

Sir,

I enclose you an Act of Congress of the 8th of this Instant June directing that Bills should be drawn upon you to the Amount of three hundred and sixty thousand *Livres Tournois* for the Purpose of importing military Stores. I have accordingly drawn four Setts payable to the Honorable Henry Laurens, Francis Lewis, James Searle and John Fell the Commercial Committee of Congress or the Order of either of them, to wit, one Sett for one hundred and fifty thousand, one for one hundred thousand, one for seventy thousand, and one for forty thousand *Livres Tournois*. Our Disappointment in not receiving the Supplies which we expected from France has rendered this Measure indispensibly necessary and we flatter ourselves that you will be able to make such Representations to the Court of France on this Subject as to induce them chearfully to put it in your Power to honor these Drafts.

I have further to add that through the Assistance of Monsieur Gerard the Minister Plenipotentiary of France at this Court there is some Prospect that the Military Stores of which we stand in Need may be obtained from the Royal Magazines in the French West Indies. In that Case the Bills will not be presented for Payment.²

I have the Honor to be Sir with great Respect and Esteem your most obedient Servt.

JOHN JAY,
President

333. JAMES LOVELL TO HORATIO GATES.¹

June 9th 1779.

Dear Sir

. . . . Though several Circumstances confirm our Expectation of Go[od] News from Genl. Lincoln, yet [no] Express has yet reached us.

We are trying to mend the money and to be ready for the imagined Propositions of Peace. We ought only to prepare for a *doubtful* Event of that Kind

I wish you was Governor of Nova Scotia ² and I a Farmer there paying Taxes to support yr. Government.

R H Lee is gone home resigned. Mr. S Adams goes on Monday, to resign. But there are yet some hardy Watchmen in this political Camp besides the veteran Sherman.

Your affectionate humb Servt.

J L

[332]¹ Hist. Soc. of Pa., Franklin Papers, I. 205.

² See the *Journals*, June 7, 8.

[333]¹ N. Y. Hist. Soc., Gates Papers, XV.

² See no. 319, *ante*.

334. RICHARD HENRY LEE TO GEORGE MASON.¹

CHANTILLY, June 9th, 1779.

Dear Sir:

I am much obliged to you for your favor of the 4th, but greatly concerned for your state of health. The force of party and the power of fortune it seems to me, are leagued to distress if not to ruin America. There never was a time when the fullest exertion of ability and integrity was more necessary to rescue us from impending ills. The inundation of money appears to have overflowed virtue, and I fear will bury the liberty of America in the same grave. Believe me, Sir, it is not from improper despondence that I think in this manner. Look around you, do you anywhere see wisdom and integrity, and industry prevail either in council or execution? The demon of avarice, extortion, and fortune-making seizes all ranks. And now, to get into office is another thing for getting into wealth on public funds and to the public injury. I well know that much of this will in all countries take place in time of war, but in America, unfortunately at this time, nothing else is attended to. And such is the state of things, so unequally is this mass of money distributed, that I assure you my apprehensions are great that this heavy tax will come with crushing weight on great numbers of honest, industrious men, whilst a number of others who have amassed thousands by illicit means will not feel the burthen. I hope some method will be fallen on to make the tax touch the speculators, monopolists, and those people concerned in staff departments of commissary, quartermaster, etc., etc. who have acquired vast wealth on very pernicious principles. In choosing the executive officers of government, integrity, ability, and industry must be attended to, or we are inevitably ruined. The millions we issue are with such profusion wasted, that they produce only heavy taxes without good to the community. This I apprehend arises from want of wisdom, diligence, or integrity somewhere. In truth there is so little attention paid to the expenditure of the public money, and the public accounts are so irregularly settled, or rather not settled at all, that it affords opportunities and gives temptation to men not truly moral to venture on bad practises in hopes of impunity. To me it appears of indispensable necessity that instructions be given to your delegates in Congress in terms peremptory and express that they move Congress, and never cease to urge it, that the most immediate and effectual settlement be made of all public accounts, calling to strict account all those who have been entrusted with public money, admitting not of evasive and dilatory pleas. That they have ready to lay before the Assembly, at its next meeting their proceedings herein, and if it is not done, the reasons why. I mean this latter part, in order to prevent those kind of put offs and go byes which I have seen so very often practised.

There is another point on which I think instructions greatly necessary, because I apprehend abuse has already taken place to considerable extent, and may, if not prevented, go much further. It is to prevent the practise of delegates from any State, and more particularly one delegate from

[334]¹ *Letters* (ed. Ballagh), II. 65.

any State, from obtaining from Congress money on the credit of the State he or they come from without the orders of that particular State. In time, when death or bankruptcy shall have removed delegates or incapacitated them, these grants may be refused by the States, or some of them, and public discord and confusion be the result. This practise began originally upon the necessity members were under of getting money due to them for wages to support their necessary expenses, and so far as that, strictly confined there, nothing ill would have resulted. But I have reason to think it has been carried much further. Your treasurer should be ordered to remit the wages of the delegates in due season, and the practise of taking money from the Continental treasury without express order be totally inhibited. If necessity compelled, why, then, there was no resisting the measure, but it does seem strange, that when the quantity of money in circulation has almost stopped its currency and introduced universal corruption of manners, which both obliged the laying of a most weighty tax, that our Assembly should order a million of pounds to be emitted. I greatly fear the effect of this, as well in reality, as from the operation it will have on the apprehensions of men in the other States!

. . . . I rejoice greatly at the news from South Carolina. God grant it may be true. If this should force the enemy to reason and to peace, would you give up the navigation of the Mississippi and our domestic fishery on the banks of Newfoundland? The former almost infinitely depreciating our back country and the latter totally destroying us as a maritime power. That is taking the name of independence without the means of supporting it.

335. JOHN FELL, DIARY.¹

[June 9, 10, 1779.]

Wednesday June 9th Com. Committee. Congress. After reading the Letters, the Order of the Day on Finance, was taken up, and several Proposals Read, all which were agreed to be left to a Committee of 6 to Report on Friday.

Thursday June 10 C Committee Congress. Order of the Day on the Committee of 13 long debates concerning the detaining S Deane and Recalling Arthur Lee etc.

336. JOHN DICKINSON TO CAESAR RODNEY.¹

Sir

I have the pleasure to inform you, that the news of our success in South Carolina is so far confirmed, tho we have not yet received any Express, as to put the truth of it beyond all doubt. In short, tho the particulars cannot be authentically ascertained, Congress is convinced that the affair is another Bourgoignade—and every successive Blow of that kind must be more severely felt than the preceeding, because it is striking upon a Place already sore and wounded.

[335]¹ Library of Congress, Journals and Diaries.

[336]¹ *Delaware Archives*, III. 1359.

Let us at this important Crisis intensely recollect our duty to Heaven and our Country—co-operate in our several stations with the Efforts of our Gallant Brethern in the field, and after vanquishing scores in fair fights, not offer ourselves to be ruined in our internal and domestic affairs by the most contemptible vermin that ever crept upon the Earth. . . . If we baffle the attempt of our invaders this campaign, and convince them that our Finances are not in an utterly irrecoverable Disorder, I hope this year will crown our Labours with Peace Liberty and Safety.

PHILADELPHIA June 10th 1779.

[P. S.]

337. HENRY LAURENS, NOTES.¹

10th June [1779.]

A Member of Congress (Mr. Scudder) said in the course of debate, "the question which was formerly lost for recalling Ar. Lee Esquire". the President hastily and in my opinion very rudely replied, "that question was not lost and I will contradict it as often as I hear it said."

"how added he can a question be said to be lost when the House is equally divided "

the practice of the House has ever been to enter all questions lost which were not carried by a majority, except in the one instance above mentioned.

11th. Reading the Journal of Yesterday two instances occurred of an equal division of States, and the Secretary had made the Entries similar to that in the case of A Lee Esquire. I rose and said, I do not Mr. President like this new fashioned way it has ever been the practice of this House to enter "and so the question was lost", because it was not carried and "I move you to Order the Secretary to make the Entries in the Cases before us according to the practice". this was amply seconded, the president objected and appeared much chagrined. Cases were produced and laid before him which with reluctance he recd. and with more, suffered them to be read—went a good deal out of a Presidents track to say that the question for A Lee's recal might be brought on again at any time, which was sun enlightened the world and warmed the Air. more than necessary debate ensued. I said among other things, there ought to be no question upon my motion, it was the Secretary's duty to observe the practice and I thought the President should see that he did his duty. the President was exceedingly angry and asked if he was our Secretary, that he did not understand it to be his duty to correct the Journals etc. admit tis not his duty to correct it certainly is not his duty to encourage and maintain a departure from constant practice *²

he would put the question it was carried without a nay and the entries accordingly made. now the Instance of A Lee stands single and shews the integrity and impartiality of the two Chairs, etc.³

[Endorsed:] Entry on the House being equally divided A Lee's case etc.

[337]¹ S. C. Hist. Soc., Laurens Papers, vol. XXVIII., no. 8.

² * More especially in a particular Instance in which A Lee was concerned, against whom he had declared he had a personal enmity. [Note by Laurens.]

³ Cf. no. 338, *post*. See also Burke's statement, no. 474, *post*.

338. HENRY LAURENS, NOTE.¹

Never was there a more droll scene exhibited in a public assembly than the foregoing.²

Almost every man who voted for detaining Mr. Deane, did so from a hope of securing a vote for recalling Mr. Lee. When this should have been effected, Mr. Deane was to have obtained "the special permission of Congress for departing from the United States", or it might be that he would depart without the "special permission", "for who could control him" (said Mr. S. and J. P.).³ Such sentiments were expressed by both parties, which warrant this suggestion. To these and similar expressions I replied in Congress: "If Mr. Deane, in defiance of the order of Congress, shall depart the United States, it will be pleading guilty, and upon Mr. Lee's appearance before Congress and giving evidence against Mr. Deane, judgment will go against him by his default; and I believe neither this nor a future Congress will hazard that public resentment which would follow a permission to Mr. Deane to depart, before the appearance of Mr. Lee, unless from captivity or other extraordinary accident he should be detained an unreasonable length of time." On the other hand, those who could not bear the idea of recalling a faithful servant, and subjecting him to the risk of being captured and carried into England, whose king and ministers of state are exceedingly exasperated against him, and who also suspected the designs of the opposite party, therefore voted against their wishes to detain Mr. Deane, because the recall of Mr. Lee was tacked to that article as an express condition. Thus were votes given by all, three or four excepted, against the principles of the voters.

My sole motive in bringing forward the proposition for detaining Mr. Deane and ordering Mr. Lee to appear and support his charges, was for obtaining justice—

1st. To my much injured country.

2d. To individuals.

The proposition originally sprung from myself, although Mr. Burke reduced it afterwards to writing, in order, as he said, to try if gentlemen were in earnest. He never found me otherwise.

Before I had voted against the recall of Mr. Lee (on the [8th June, 1779], see the journal), I had repeatedly declared in Congress that I would vote for his recall, provided Congress would detain Mr. Deane, and this opinion I have invariably supported in private conversation with Mr. Lee's brother, and other particular friends, in opposition to their sentiments; "*fiat justitia ruat coelum*," was my governing principle.⁴

Thank God, I have acted agreeably to the dictates of my conscience, without respect to persons, and I trust my country will not condemn my conduct.

11th June, 1779.

[338]¹ Seventy-Six Society, *Papers in Relation to the Case of Silas Deane*, p. 98; Wharton, *Rev. Dipl. Corr.*, III. 218; N. Y. Hist. Soc., *Collections: Deane Papers*, III. 484.

² See the *Journals*, June 10. Cf. no. 337, *ante*.

³ Meriwether Smith (Laurens probably wrote "Mer. S.") and John Penn.

⁴ Cf. nos. 226, 240, 244, 250, 255, 295, 296, 297, *ante*, and nos. 343-347, 354, 415, 420-422, 474, 518, 559, 595, *post*.

339. JOHN FELL, DIARY.¹

[June 11, 12, 1779.]

Friday June 11th Com'l Committee Congress. Order of the Day on finance agreed to borrow on Loan 20,000,000 to be Paid in 3 Year or when the Money is $\frac{1}{8}$ better then at Present ²

Saturday June 12th Com. Committee NB. Did not goe to Congress. Dr. Morgans affair decided P M Commercial Committee

340. HENRY LAURENS, NOTES OF PROCEEDINGS.¹

12th June [1779.]

the reading a Report from the Treasury recommending Returns to be made by each State of taxes collected monthly,² I remarked, that however this might be complied with in other States it by no means applied to that, to which I belonged, unless this mode of collecting Taxes had lately been altered.

Delaware (Mr. M'Kean) said that State had already paid into the Public Treasury her quota of the five Million [and of the] fifteen Million Taxes, and had passed a Law for collecting forty-five Million which would be paid on the 24th.³

Mr Drayton exulted in this information as our little sister Delaware had so chearfully and punctually paid in her Taxes, there was good ground for hoping that larger states could do the same (this pointed at a declaration which I had just before made, as my opinion, that South Carolina had not and would not have in the State within the 1st January next so many Millions of Dollars, as her Continental taxes amounted to 1,800,000 part of 15 Million 5,500,000 " " 45 Million (besides her quota of 6 Million for sinking fund.)

I replied my Colleague should consider that Delaware altho' she was a little Girl received five times as much for her Commodities as South Carolina did for hers, and that the quota of Delaware was in proportion to her size.

Mr. Drayton as if he had totally forgotten my cordial Communication to him the 19th May, or as if such communication had never been made, moved from his Chair, and came next to mine, where he said it would be proper *he thought*, that I should state the disproportionate prices of the Commodities of South Carolina and those of the Northern States in order that we might lay them before Congress in order to reason thereon for lowering our *quota* of Taxes. now what can I call this, less than matchless effrontery?

[339]¹ Library of Congress, Journals and Diaries.

² Cf. nos. 348, 351, *post*.

[340]¹ These notes are a continuation of those of Apr. 29 and May 19 (nos. 236, 282, *ante*).

² The treasury report, dated June 11, is in the *Journals*, June 12.

³ The meaning evidently is that Delaware had paid her quotas of the five millions and the fifteen millions, respectively, and had passed a law for the collection of her quota of the forty-five millions. These requisitions of taxes bear the dates Nov. 22, 1777, Jan. 2 and May 21, 1779, respectively.

341. JAMES DUANE TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILAD. 12th June, 1779.

Dear Sir,

P. S. Pennsylvania and Maryland, without waiting for the opinion of Congress, have given their officers half pay for life. Is it impracticable to know the Sense of our State on this Subject? It is an important one, and will probably be soon debated. I wish to please our Legislature; but ignorant of their views often hazard more than is prudent by acting from myself.

342. WILLIAM WHIPPLE TO JOHN LANGDON.¹

PHILADELPHIA 12th June 1779.

My Dear Sir,

. . . . If those people who have money so plenty as to give 50 dollars for a yard of gauze and who I suppose indulge in every other luxury would place their money in the funds and thereby prevent the necessity of further emissions, the complaints of depreciation would in a short time cease. Congress are doing every thing in their power to remedy the evils. three days in the week are constantly devoted to that business, but their endeavors will be in vain unless they are supported and assisted by their constituents. If there is not virtue enough in the people to support the credit of the money, there can be but little dependence on their virtue to support the army without money. . . .

343. RICHARD HENRY LEE TO WILLIAM WHIPPLE.¹

CHANTILLY June 13, 1779.

Dear Sir,

I think Fiddle has played a fine tune in Dunlaps paper of May the 29th. If you wish to know what Fiddle, whether a Cremona, a Steyner, or a

[341]¹ Harvard Univ. Lib., Sparks MSS., XII. 74.

[342]¹ Library of Congress, Force Trans., Whipple, p. 679; N. Y. Pub. Lib., Bancroft Coll., Langdon-Elwyn Papers (copy of part).

[343]¹ Univ. of Va., Lee Papers, no. 309 (draft); *Letters* (ed. Ballagh), II. 69; *Southern Literary Messenger*, XXX. 271 (April, 1860). The draft bears the following endorsement in Richard Henry Lee's writing, "Letter about Fiddle alias Merryw'r Smith to Gen Whipple". The words "alias Merryw'r Smith" are inserted above the line, but the appearance of the ink indicates that they were written at or near the same time as the other words in the endorsement. There is another endorsement, apparently written by another hand and at a later time, which reads, "Letter to Genl. Mifflin concerning 'Fiddle' Alias Merriwether Smith June 13th, 1779". In the *Southern Literary Messenger* the addressee is given as General Mifflin, as it is also in the *Letters of Richard Henry Lee*, although in the latter it is queried. Aside from the evidence of what appears to be unquestionably Lee's original endorsement upon his draft, the contents of the letter quite definitely point to Whipple as the person to whom Lee is writing. It is evidently to a member of Congress (and therefore could not be to Mifflin) and to one of Lee's close personal friends in that body. Furthermore, Lee's letters to Whipple June 26 and Aug. 8 clearly point to this letter of June 13. In the former he asks "what tunes the fiddle party are playing" (*Letters*, II. 80); in the latter he alludes to the "Ugly instrument" and says, "Pray inform me if you can if the Base viol has groaned it out" (*ibid.*, p. 106). See also nos. 488, 535, *post*.

Base viol, or the Head of a *Base Viol*, ask our friend Ellery and he will explain the mystery.² Some people rather than not be remarkable would be so for being supremely ridiculous. So, that rather than it should not be known that Fiddle sometimes plays in Congress a first Fiddle the yeas and nays must be published in Dunlaps paper on the 29th of May, [that] all the world may be set to laughing—at whom—Not at Mr. Laurens. But, *a jocis ad seria*, Have you rescued the fishery from the paws that are used to pull the chesnuts out of the fire. It is mighty convenient, when a person does not choose to burn his own fingers, to have ready an officious hand, willing to encounter the embers. I think that as the house *near* the *Capitol* is *less* than the *Capitol*, that the *Lesser* ought not to dictate to the *Larger*, and more especially as the “Alliance not being victorious, cannot give law to the common enemy”.³ Mr. Ellery’s sagacity can help to explain this last enigma if you should find any difficulty with the thing yourself.

344. JAMES LOVELL TO JOHN ADAMS.¹

June 13th 1779

Dear Sir

I shall not look through the Notes in my Almanac to see whether I have written to you 22 or 24 times, I shall go upon the easier Task of acknowledging all those I have had from you, vizt. Decr. 6, 1778, recd. Feb. 16th, 79, answd the 17th. and Sepr 26th, 1778, recd. March 4th, 79, answd. Apr. 28th.

Three months ago Mr. G.² communicated to us that Spain was mediating, and that we ought to take speedy, decisive Measures for peace. London Gazettes told us the first part; and it appears strange that neither Doctr. F., Mr. L.,³ nor you have *hinted* this matter to us *lately*, if you did

² In a letter to Henry Laurens the same day Lee wrote: “Mr. Smith (alias Dogberry) has been famous here for being a very vain and a very troublesome man. But his vanity, for certain reasons, has been so powerfully fed at Philadelphia, that it hath eaten him up. I can no otherways account for the publication of the Yeas and Nays in Dunlaps paper of the 29th, wch. I presume will set all the world to laughing at him as they do here” (*ibid.*, II. 70). The item in the *Pennsylvania Packet* of May 29 to which Lee refers is a publication of the proceedings of Congress, with the yeas and nays, May 14, 15, 18, relative to the Smith-Laurens affair, together with Smith’s address to the President, May 18. See no. 274, *ante*. Cf. nos. 401, 420, 478, *post*. For allusions to Meriwether Smith as “Mr. ‘Clearly-out-of-order’”, see Lee to Laurens Aug. 7, 13 (*Letters*, II. 100, 117).

³ The allusion is evidently to Gérard and his memorial of May 22 (see no. 326, *ante*). Gérard stated that the king had “repeated to Congress the promise that he would not treat with the common enemy without making it a primary and essential condition that the independence of the United States should be acknowledged, conformably to the stipulations of the treaty of alliance”, and added, “His Majesty has at the same time ordered his minister plenipotentiary to lay before Congress some considerations relative to the state of affairs, and particularly to observe to them that the alliance, unless victorious, can not dictate terms to the common enemy”.

[344]¹ Adams MSS., Boston (marked, “Confidential”); *Works of John Adams*, IX. 481; Wharton, *Rev. Dipl. Corr.*, III. 220. In the Adams MSS. is also found a duplicate (or “copy”) of this letter, and, as it varies from the original in some important particulars, it is printed under note 8, below.

² Gérard, the minister from France. See especially his memorial of Feb. 9 (Wharton, *Rev. Dipl. Corr.*, III. 39); cf. those of Feb. 13, Mar. 17, May 3, 22, 27 (*ibid.*, III. 85, 154, 175, 194).

³ Arthur Lee.

not *avow* it authoritatively. We have some wise men here, who are sure *they* could fish out all the Court Secrets. In the various attempts to pull down A. L. to make way for some one to go from hence "who knows all the present Circumstances of America, and therefore could negotiate properly", your want of Ability to give us Information such as we wish, or fancy can be had, is said to spring from the Suspicions of the french Court respecting One of you; and something like an Attempt to dictate to us a Choice has been seen here. An Extract of a Letter from the Count de V——s has been quoted, "*Je crains Mr. A. L. et ses entourés*";⁴ and we are tempted to think that therefore the Communication before-mentioned came through Mr. G——. But this is different from what was once the Conduct; for Mr. Deane tells us that he was *directed* to tell Doctr. F. what he did not *chuse* to tell Mr. Lee, or, as he wishes to have it believed, which he was *forbidden* to tell him. I am persuaded Doctr. F. would not readily disgust the french Court in such a Point. If there is any Seriousness in the Business, I suppose the Court stood upon the *Punctilio* of not having the Compliment of a Minister Plenipotentiary returned at that Time.

Mr. Lee's Enemies have produced nothing but Innuendoes to procure his Removal, while they dare not deny his Integrity And abilities in our Service.⁵ Mr. Deane says, the Lees are not fit for Transactions with a "gallant" Nation. But doubtless those Men who want his place would be very gallant indeed on certain Points in Negotiation. The eastern States are charged with wanting what they have no Right to, and what is of "no Interest to the southern States". Plenty are these local Sentiments lately; and R. H. Lee with H. L——ns are squinted at as two monsters on the other side of Susquehanna, who pursue points in which the southern States have *no* Interest. Would France or England reason thus on the Fishery? I expect, however, that we shall coalesce in a few days upon what may be Ultimata ready for some future day of Pacification, when Britain shall be restored to her Senses. She is quite wild and foolish yet, in my Opinion.⁶

You will be scarcely able by our motley Journals to understand what we are about. Why did I vote for your name to be inserted, Apr. 20, page 10? A Majority against me had before resolved that the Names should be added; that Doctr. Franklin's should be inserted; but did not proceed by Yeas and Nays, therefore I was entrapped. Not having my Nay appear on Doctr. F. could I say nay to Deane, the *Causa malorum*? And as it was not *mutual* Suspicions, etc., I could not exclude you, who was suspected and stigmatized in the Report of the Committee, tho' more to the disgrace of Mr. Izard than yourself, if there was any disgrace in the Circumstance of his imagining that your Connection with the Eaters and

⁴ The form "entourés" may be a slip of Lovell's pen, for he elsewhere (for instance, in the duplicate, below) writes the word "entours". Touching this expression of Vergennes, see the Paca-Drayton Information, in the *Journals*, Apr. 30. Cf. nos. 215-217, 226, 240, 244, 337, 338, 343, *ante*, and nos. 345, 347, 420-422, *post*.

⁵ In the duplicate (see note 8, below) Lovell is somewhat more explicit on this point.

⁶ Concerning the "ultimata", see nos. 151, 152, 253, 255, 269, 307, *ante*, 360, *post*.

Distillers of Molasses had warped your Judgment against the Interest of other Parts of the Continent. Mr. Izard has good Testimony to his many estimable Qualities, but his best Friends say he is irascible even when he has not a Fit of the Gout, as he unfortunately had when he was writing of Doctr. Franklin, and probably, too, when he made his Strictures upon your Opinion of the 11th and 12th Articles.⁷

Every *Appearance* is that you will not be passed over without honorable Notice, when the Report receives its finishing Discussion. My own settled opinion of you leads me the more readily to think there is no Plot concealed under the Professions in yr. Favor, which have fallen from Men lately, whose general Conduct is of a Kind to make me cry, *Timeo Danaos vel dona ferentes*. . . .⁸

⁷ In the duplicate (see note 8, below) Lovell states the reasons for his vote more clearly, although he admits the remarks concerning Izard. See Izard to Franklin, Jan. 28, 30, 1778, and Izard to Laurens, Feb. 16, Sept. 12, 1778, in Wharton, *Rev. Dipl. Corr.*, II. 477, 480, 497, 710; also the *Journals*, Mar. 24, 1779 (p. 368). Cf. Gerry to Adams, Sept. 29 (no. 562, *post*).

⁸ This letter bears the endorsement: "Mr. Lovel, June 13, 79 Mediation of Spain suggested by Mr. Gerard the French Minister. The first hint of an Appointment of a Minister to treat of Peace."

Following is the duplicate mentioned in note 1, above. It bears this memorandum in Adams's writing: "Mr. Lovel June 13, 1779 'Je crains M. A. L. et Ses entours'. Vergennes."

"June 13th 1779.

"Dear Sir

"I shall not look through my Almanac to see whether I have written to you 22 or 24 Letters, I shall go upon the easier task of acknowledging all I have had from you—Decr. 6 1778 rec'd Feb. 16 1779 answ'd 17th, and Sep'r 26. 1778 rec'd Mar 4 1779 answ'd Apr. 28th.

"3 months ago Mr. Gerard communicated to us in a private audience that Spain was mediating and that we ought to take speedy measures for Peace. London Gazettes tell the same. It has seemed astonishing that neither Doct'r Franklin Mr. Lee nor you should *hint* this, if you did not give it authoritatively. And we have some wise men here who are sure *they* could fish out *all* the Court Secrets. In the various attempts to pull down A Lee, *to make way for some one to go from hence who knows all the present Circumstances of America and therefore could negotiate properly, your* (the Commiss'rs) want of Ability to give us Information such as we wish for or *fancy* can be obtained, is said to spring from the Suspicions of the french Court respecting one of you: and something like an attempt to *dictate* a Choice here has been made. An Extract of a Letter from Count de Vergennes has been quoted "Je crains Mr. A'r Lee et ses entours:" and it is said that *therefore* the Communication before mentioned came through Mr. Gerard. But this is inconsistent with what is alledged in other Cases. Mr. Deane was *directed* to tell Doct'r Franklin certain things, which he did not chuse to tell Doct'r Lee, or, as he wishes to have it believed, which he was *forbidden* to tell him.

"I am persuaded Doct'r Franklin would not readily blab any matter to Mr. Lee which the Court might confidentially tell *him*. But it may be said the Doct'r was perhaps at that period only on a par with Mr. Lee and you so that he could not officially convey the news of a Negotiation from France to us without consulting Mr. Lee. It has been attempted to persuade us that Spain is disgusted with Mr. Lee. If more than Innuendoes had been adduced, we should have made a new appointment perhaps; tho it is a very delicate matter. Mr. Deane says the Lees are unfit to deal with a "gallant" nation. To tell you the plain Truth of the matter, I believe the men who want to get his place in Negotiation would be very gallant on certain Points. The eastern States are charged with wanting what they have no right to, and what is of "no interest to the southern States." Plenty are these local Sentiments lately and R H Lee and Mr. Laurens are squinted at as two Monsters on the other Side of the Susquehanna, who can be found to pursue points in which the Southern States have "no interest." I expect, however, that we shall in a few days be able to join in some Ultimata for Peace to be ready at

345. JAMES LOVELL TO ARTHUR LEE.¹

PHILADELPHIA, June 13th, 1779.

Dear Sir:

I will not omit this opp'y of send'g a few Lines to you, though my first Intent's were only to put under Cover the Gazettes, and the *Journals* of Congress. From those you will learn how Questions relative to you have been agitated.² . . .

The Term *recalled* having been used with regard to Wm. Lee and Rph. Izard, with an Idea strenuously supported by some of bringing them to America though others who were affirmative meant only *vacating Commissions*. A 2d Resolve passed That it is the Sense of Congress that Mr. Wm. Lee and Mr. R Izard *need not repair to America*.³ I give them no official Notice now, nor shall I without the special order of Congress; because, I am again left alone of the Com'tee of for. Affrs. yr. Brother R H having resigned as I hear, and gone home; and further because something definite ought to be decided in regard to Compensation for Services of the Commissioners. An Attempt has several Times been made lately to *chuse a new Com'tee* instead of *filling up the old one*.⁴ This you will perceive to be singularly decent towards the one who has steadily attended. Nay it is said that such a Com'tee is useless. I am sure I find an immense Deal that *ought* to be done and a great Burthen in what has been done by a Member of Congress without Secretary or Clerk, little as you and the other Gentlemen abroad may have been benefited by my Labors. Quires of my Writing have been sunk in the sea, most of it near these Capes.

I expect further Attempts to get rid of you. It was a Fear of that and a strong Desire to scrutinize Mr. D that made Mr. Laurens I imagine give into the late motion.⁵ But I think you will rise above the Malice of the Faction which you have long known, or, if you find yr. *Usefulness destroyed* "by their accts" you will readily tell us so, and desire to make

the moment when Britain shall come to her Senses. She is quite wild and foolish yet, in my opinion.

"You will be able by our motly Journals and my Comments from Time to Time to understand what we are about. For instance you will know *when I tell you* why I voted to have y'r name inserted April 20th page 10. A majority against me had resolved 1st that the names should be added 2dly that Doct'r Franklin's should be inserted but did not proceed by yeas and nays, therefore I was entrapped not having my nay to show in the first I was forced to go through uniformly: it being as true that Suspicions and Animosities had been minuted by the Committee respecting you as respecting the rest; for the Report did not say *mutual* Suspicions etc. It was calculated to open the Door for several new Elections."

[345]¹ Harvard Univ. Lib., Lee MSS., VI. 72 (marked "copy, confidential"); Wharton, *Rev. Dipl. Corr.*, III. 222.

² Lovell here records the vote on Lee's recall May 3, and a summary of the proceedings on the same subject June 10 (although giving the date as June 9). See also nos. 347, 354, 536, *post*.

³ See the *Journals*, June 8.

⁴ Cf. nos. 421, 458, *post*.

⁵ Presumably Laurens's assent to the recall of Arthur Lee on condition that Deane should be detained in America. See nos. 250, 296, *ante*. At this point is found the following note in Wharton, *Rev. Dipl. Corr.*: "On this is the following endorsement: 'Receiv'd thus from Mr. Adams the 11th Feby, 1780, i. e., with the wax finger'd not open'd. Mr. Adams had it from Dr. Franklin.'"

way for some other Person. I have by me large Packets left by your Brother with Copies of Proceedings affecting you, but I will not venture them round about, as a Frigate must soon go directly from hence, or at least a Pacquet boat. I tell Mr. J Adams more on that Head.⁶ I suspect much Roguery in the Stoppage of yr. Letters; how else is it that we have not a line from any of you?

Mr. S Adams goes home to-morrow for good and all, as he says. This is intended Via Cadiz, a Copy Via Martinique.

Your friend and humble Servant,

J. L.

Vid[e] Journals: Apr. 6, 15, 20, 21, 22, 26, 28, 30, May 3, 22, 25, 27, June 9.⁷

Honorable Arthur Lee, Esqr.,
Commissioner, etc., Madrid.

346. JAMES LOVELL TO BENJAMIN FRANKLIN.¹

PHILADELPHIA June 13th 1779

Hon'd Sir

By way of Martinique I forward to you *Gazettes Journals* and one or two Pamphlets.² The Situation of Things in Congress has been such for some time past that the Committee of foreign Affairs have been drawn on to look daily for some interesting Decissions to communicate to you; which must account for their Silence many Weeks. I am once again left alone, and therefore in a too delicate Situation to pretend to give you any Detail of matters agitated but not concluded respecting your Commission.³ I enclose a late resolve⁴ to which I beg your attention.

347. SAMUEL ADAMS TO RICHARD HENRY LEE.¹

PHILADELPHIA June 13th 1779.

My dear Sir

I send you the inclosed Extracts from our Friends Letter according to your Request.² No Pains are spared to effect the Recall of Mr. Arthur Lee. If any are in hopes by this to put an End to the Usefulness of an

⁶ See no. 344, *ante*.

⁷ A copy of this letter with some variations was embodied in Lovell's letter to Arthur Lee July 17 (no. 421, *post*). In that copy the date May 24 is included among the references to the *Journals*, and instead of June 9 (apparently incorrect) is found "June 8, 10".

[346]¹ Am. Phil. Soc., Franklin Papers, XIV. 179 (triplicate); Univ. of Pa., Franklin Papers, III. 21; Library of Congress, Papers Cont. Cong., no. 79, vol. I., f. 251; Wharton, *Rev. Dipl. Corr.*, III. 224.

² Lovell's letter to William Bingham, at Martinique, dated June 12, is in Boston Pub. Lib., Chamberlain Coll., V. 25; the letter-book copy is in Papers Cont. Cong., no. 79, vol. I., f. 250.

³ The letter is signed by James Lovell "for the Committee of Foreign affairs". See no. 533, *post*, where Lovell indicates that he probably never sent this letter until Sept. 17. Concerning the committee, see no. 345, *ante*, and no. 458, *post*.

⁴ The "late resolve" was that of June 5, instructing the commissioners to transmit an account of their proceedings in the Beaumarchais matter.

[347]¹ Univ. Va. Lib., Lee Papers, no. 308.

² Doubtless extracts of a letter of Arthur Lee. In some letters which Richard Henry Lee wrote to the *Pennsylvania Packet* shortly afterward, he used a number of such extracts. See his *Letters* (ed. Ballagh), II. 108, 125, 132, 138; also his letter to Henry Laurens July 10, *ibid.*, II. 87.

able, faithful and indefatigably industrious Friend to our Country, I believe they will be disappointed. I still flatter my self they will never obtain a Majority; but should they succeed thus far, it is my Opinion that no Man in America would afford greater Aid in the publick Councils than he. The Day before yesterday another Attempt was made.³ The Motion which was offerd by Mr. B. before you left us,⁴ was brot on, that Mr. Dean be directed not to depart from these States till further order, and that Mr. A. Lee repair to America to make good his Charges against him. The Question was divided, and failing by an equal Division of the States in the first part the other was downed by a very great Majority of Voices on a previous Question. When some one of the States may be *better represented*,⁵ it may be brot on again and again. Mr. Lovel will write to you more largely. Being in great Haste preparing to set off on my Journey to Boston this day, I can only add that I am very affectionately

Your Friend

S A

348. JOHN FELL, DIARY.¹

Sunday June 13th A M. Went to Committee, to dispatch *The Eagle* Packet Capt. Ashmead to Martinique.

Monday June 14th 1779. Com. Committee Congres. After the dispatches were read the order of the Day on Finance, long debated for increasing the Interest.²

349. JAMES DUANE TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILAD. 14th June 1779.

Dear Sir

Your Excellency's Letter to Congress respecting the Revolt has made a serious Impression. I applaud the wisdom and Spirit which it manifests.

³ These proceedings are found in the *Journals* under June 10, not June 11. Cf. no. 345, *ante*, and no. 354, *post*.

⁴ Richard Henry Lee obtained leave of absence May 24, and Burke's motion appears to have been offered the same day. See nos. 296, 297, *ante*.

⁵ Against these words Adams makes this foot-note jotting: "Ch. Just. D", evidently meaning Chief Justice Drayton. In all the yeas and nays taken on the question as presented June 10 the votes of Laurens and Drayton, the two delegates of South Carolina, are found to be in accord. Drayton had, however, since his connection with the "Paca-Drayton Information", been regarded as especially hostile to Arthur Lee, while the attitude of Laurens was in general favorable to Lee. For Laurens's explanation of his position on this particular measure, see nos. 250, 296, 297, *ante*.

[348]¹ Library of Congress, Journals and Diaries.

² In the margin of this entry are some calculations respecting the loan, on the basis of the contemplated one-eighth appreciation (see no. 339, *ante*, and no. 351, *post*), but the exact purport of the figures is not clear.

1/8.	260000	100000
	32500	50000
		25000
	22750/0	12500
	£11375	
	4375	£4375
		15750

[349]¹ N. Y. State Lib., George Clinton Papers, no. 2409; *Clinton Papers*, V. 84.

Congress seem to have relied rather too far on the Moderation and Passivity of our State: and yet there are Circumstances which Justify their proceeding with Caution. It is generally supposed and believed, that if active measures are passed by our State, the Friends and Relations of the Revolters in the Eastern States, even in defiance of their own Government, will support them by arms: At the same time an opinion prevails that by the mediation of the Committee they may be prevailed upon to return to their Duty; at least that the attempt is necessary previous to acts of Violence. The Eastern Delegates seemd Confident of its Success and were explicit in avowing their wishes that it might produce Submission and Tranquillity. . . .

Your Excellency's Letter is committed to a special Committee and I presume they will report that the Prisoners be set at Liberty and Col. Allen's Conduct as an officer of the United States be submitted to a Court Martial. At the same time Congress are so strongly perswaded of the policy and propriety of sending their Committee that they will persevere in the Measure, and I wish our State cou'd be so far reconciled to it as to give it no Obstruction. . . .²

350. DANIEL OF ST. THOMAS JENIFER TO THE GOVERNOR OF MARYLAND
(THOMAS JOHNSON, JR.).¹

PHILADELPHIA June 14th 1779

Dear Sir

There have been so many accounts by different ways of the defeat of the Enemy at Charles Town, that a man must be an infidel not to believe it; yet Congress have not had any Public Letter on the occasion, nor have any private Letters from South Carolina, informing of that happy event, been received by any person that I can hear of in this City.² . . .

Crops are very promissing throughout the Continent, and could our Money be prevented from further depreciation, we should have nothing to fear; but if it continues, God only knows what will be the contingent event. The States have it in their power to appreciate it something, but there are so many speculating individuals, that will counteract every public measure, that I despair of the wished for success. Could we assure the States that there would not be Emissions beyond a certain Sum, the business would be done; but as Congress is uncertain whether sufficient Supplies will come into its Treasury by Taxes or Loan, the Press must be kept going so long as the Money will purchase any thing, or at least till supplies can be otherwise had. . . .

² See the *Journals*, June 12, 16; also nos. 313, 314, 318, 319, 322, 330, *ante*, and no. 357, *post*. Clinton's letter to Congress, dated June 7, is in *Clinton Papers*, V. 54. Letters to the delegates and to Washington of the same date are *ibid.*, pp. 58, 59.

[350]¹ Md. Hist. Soc., Red Book, V. 17; *Arch. of Md.*, XXI. 454.

² See nos. 353, 363, 379, *post*.

351. JAMES LOVELL TO JAMES WARREN.¹

June 15th, 1779.

General Warren,

As Mr. Adams is on his Journey to Boston² it is not essential that I should now write minutely relative to the Points which have been agitated here lately; all proper Communications will be made to you by him in a Way to which an Epistle is only a secondary Satisfaction. He will also give you the whole of what has reached us yet from Sth. Carolina, touching the good Fortune of Genl. Lincoln. But these Considerations would not acquit me to myself if I neglected thus early to acknowledge my Obligations to you for the obliging Expression of your "Desire to be considered as my Friend", contained in yr. Letter of May 30th which reached me the Night before last. Be assured, dear Sir, that you have hereby liquidated a full Page in my Book of Sufferings. There was a Season when I counted upon Thousands and Tens of Thousands; but, for several Months back I have been fully persuaded that all my Hazards Toils and Watchings were to be recompensed by the Approbation of a *virtuous Few*. I wish the "unusual Anxiety and Weights upon yr. Spirits" may be thrown off so far as it was occasioned by the Ultimata which are one time or other to be debated here: I cannot but think a decent Coalition *would* take Place among such as it is supposed *will* differ, from local Interests or varied Degrees of Resolution. I believe our Ally intends well for us. But such Belief does not warrant the laying aside political Watchfulness: Nor should the Exertion of this occasion any Disgust in those who feel themselves to be thoroughly well intentioned. If, after Conversation with Mr. S. A. you wish Informations may be sent from this Place respecting the Result of Points not quite decided when he left us relative to Cod and Hadock, I will endeavor to give you all the Satisfaction my Circumstances will allow. You will always consider the Distinction between catching and *drying*, being Rights with widely differing Foundations.³

As to our Money, it cannot be mended but by stopping the Press. Taxes, if the States should even comply punctually with our Recommendations, which their past Conduct does not warrant us to look for, will not answer by themselves. We are about to borrow 20 Mill's of the People on probable temptations. But can we offer Interest in exact Proportion to Exchange to such Persons as *now* may be disposed to lend, and not pay the same to those who have *formerly* lent. I think not. We did equal Justice when we offered Bills on France. We must do the same at this Time. Give 6 pr. Ct. conditional, to rise in proportion to the *Quantity* in Circulation at the Date of the Certificate and the Due of Interest or Depreciation; ⁴ as, unavoidably, Something of an Emission must go on, till we are

[351]¹ Mass. Hist. Soc., Warren MSS., vol. 3, p. 242; *Warren-Adams Letters*, II. 107.

² See no. 347, *ante*. "I ride out with Mr. Adams and took leave of him and he proceeded to Boston" (Samuel Holten, Diary, *Essex Inst. Hist. Colls.*, LVI. 24).

³ The allusion is to the discussion of the stipulation relative to fishing rights to be inserted in the treaty of peace. The question had been under consideration June 3 and was resumed June 19.

⁴ The words "or Depreciation" are written in the margin.

otherwise supplied. For my Part, I think such a Measure would alone be sufficient to obtain much Money.⁵

Some Thoughts are suggested of holding the Principal till the Currency shall be $\frac{1}{8}$ appreciated; but this is holding up no Temptation, for, if the Press is stopped, the Appreciation would inevitably be $\frac{1}{8}$ in a very short Term indeed.

If the "Sacrifice of Consistency" which you justly notice was made in a Case where there were Abilities of a Size to produce any great Events, I should be more chagrined than I am at observing the public Want of a republican Delicacy in the Case stated.

I am sorry that the Opportunities for Holland were not the Carriers of my Letters as I have been unlucky here. Our worthy Friend John Adams must think I neglect him in his very odd Situation. We are ripening towards Measures which must induce an immediate and definite consequential Disposition of him, and I have no doubt of an honorable one. As to the Assents and Dissents in our tragicomical Journals,⁶ the Grounds of them are hard to be fathomed; and the Case you mention is a very delicate one; I dare venture, however, to say that it is not to be accounted for by *Want* of Honesty, but rather by the Quantity of that Species which puts us off of Guard against the Arts of designing Men. . . .

352. JAMES DUANE TO PHILIP SCHUYLER.¹

PHILAD. 15th June 1779.

My dear Sir

. . . . I greatly differ with you in your Conclusion from the Acceptance of your last Resignation. Your best Friends in Congress were firmly perswaded that your Determination to resign, in every Event, and under every Circumstance, was fixed unalterably; and that you would be *obliged* and not *hurt* by the Acceptance. You may be assurd you stand very high in the Esteem of three fourths of the States and members of Congress. No inconsiderable Proportion considering how much pains have been taken by the factions to injure your Reputation! I tell you once more that If you had communicated to me your wishes, instead of making the second absolute Resignation, any reasonable Vindication of your Character—if any after the honourable Acquittal by your Peers, and Confirmation by Congress, was necessary—cou'd have been obtained. Do not therefore blame Congress, who have enough to distress them, without the Reproach of their Friends: nor suffer Chagrin to disturb you when

⁵ See the *Journals*, May 31, June 11, 14. In a letter to John Adams, June 13, Warren remarked, upon the depreciation of the currency, high prices, and extravagance, and added: "Every Bodys Invention has been strained to find a remedy without success. Taxation seems to be the only one, and to that we have got pretty well reconciled." Elsewhere in the same letter he said: "I am still drudging at the Navy Board for a morsel of Bread, while others, and among them fellows who would have cleaned my shoes five years ago, have amassed fortunes, and are riding in chariots" (*Warren-Adams Letters*, II. 103).

⁶ The reference is to the record of yeas and nays. Without Warren's letter it is scarcely possible to determine what particular vote is referred to.

[352]¹ N. Y. Pub. Lib., Schuyler Papers, no. 555; *ibid.*, Bancroft Coll., Schuyler Papers, no. 739 (copy); Harvard Univ. Lib., Sparks MSS., LX. 161 (extract).

your Glory is out of the Reach of Malice. And your Enemies put to Silence and Shame Much less be prevailed upon to retire to Privacy 'till Peace and Safety are established. Let our own Private Feelings be sacrificed to our Country: and Let us be contented with the Approbation of our own Consciences.² . . .

353. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA June 15th 1779.

Sir,

Mr. Marchant arrived last Saturday evening, and yesterday took his Seat in Congress. Your Excellency's Letter of the 3d Instant referring to the State's Account against the United States brought forward by Mr. Marchant we shall pay the most diligent Attention to.² But such are the various and Extensive Demands upon the Treasury and the exhausted State of it, that we have not the most sanguine Expectations of immediate Success. We shall not fail of every Exertion to fulfill the Wishes of the State and of obtaining that Relief which its Circumstances demand. We enclose Your Excellency the last Papers which will give the agreeable Intelligence from the Southward which is fully credited altho' as yet we have recd. no official Accounts.³ With the greatest Respect, We are

Your Excellency's most obedient

and very humble servts.

WILLIAM ELLERY.

H'Y MARCHANT.

JOHN COLLINS.

[P. S.] In Congress. The last Journal of Congress is also enclosed—

354. NATHANIEL SCUDDER TO RICHARD HENRY LEE.¹

PHILADELPHIA June 15th 1779.

Dear Sir

I yesterday received your very agreeable Favor of the 6th instant, and am much gratified by your Confidence and approbation, for, be assured my Dear Sir, there are, in public Life, few greater Consolations than to stand well with those, whose unvarying Conduct, through the whole Course of such a Contest as ours, bespeak and prove them the *great* and the *Good*. The Plaudit of such Characters will always be Food to the generous Mind, and the Defence and Support of them the spontaneous Effort of every patriotic Spirit.

We have done no great Things since you left us, however as Determinations have been made respecting some great Characters on the other side

² See nos. 5, 37, 104, 144-146, 241, *ante*.

[353]¹ R. I. Arch., Letters to the Governors, 1778-1779, p. 118; Staples, *R. I. in Cont. Cong.*, p. 242.

² Greene's letter of June 3 is in Staples, *R. I. in Cont. Cong.*, p. 240.

³ Cf. no. 350, *ante*, and no. 363, *post*.

[354]¹ Univ. Va. Lib., Lee Papers, no. 310.

of the Water, I will give you the best Account of them from my Memory, as I have it not in my Power at present to apply to the Journals.

On the Questions, "shall Mr. Izard be recalled?" "shall Mr. William Lee be recalled?" they both passed in the affirmative by a small Majority. Each of these Questions, as soon as determined was succeeded by this Proposition; Resolved that it is the Sense of Congress, that Mr. Izard, Mr. William Lee, be not required to repair to America unless convenient, etc: or words to that particular Effect; and the said Proposition respecting them both passed also in the Affirmative: so that those Gentlemen are left entirely at their own Option.² I cannot omit to mention, that we had many curious and learned Debates respecting the Meaning and Definition of the Word "recall" and I at one Time apprehended the Result might have produced the Necessity of a Correction in most of our modern Dictionaries, however in Time it being wisely judged, that, although we might determine, that by recalling a Man we meant that he should continue where he was, and should even proceed as far as to publish our Battalia of Yeas and Nays upon the new Definition, yet our Constituents, who seem to have abated of their implicite Confidence in us, might not fully accord thereto, it was thought best to proceed in the Manner I have before related.

Next came on an eccentric Attack upon Mr. Arthur Lee in Manner and Form following; Mr. Burke, seconded by Mr. ———³ say Smith, tho I am not quite certain, laid in the following Proposition viz: "Resolved, that Mr. Silas Dean be directed not to depart the united States without special Permission of Congress and that Mr. Arthur Lee be ordered forthwith to repair to America etc: After much Debate, when the Question was about to be put, a Division was called for, and the previous Question moved on each Part of it. On the first Part the previous Question was lost by a Division, and by a peculiar Turn of Providence the main Question shared the same Fate, and after all his Enemies Manouvres, when the previous Question came to be put on that Part which respected Mr. Lee it obtained almost unanimously, and to their utter Mortification he remained *in Statu quo*. Whether they will venture at any future Time to renew the Attack I know not, if they do I hope we shall plan the Business on better Ground than a base Division, as I think Rhode Island, New Jersey and Delaware will pretty generally hereafter stand fair. Mr. Merchant is arrived here. I expect Mr. Houston from Jersey in a Day or two. Mr. McKean is in Congress and Mr. Van Dyck hourly looked for.⁴ Contra. Doctr. Witherspoon is gone on a Mission to Vermont and our Friend Mr. Adams sets off for Boston this Morning.

I ought to add respecting Burkes Proposition, that on the main Question for Detention of Mr. Dean in America The Yeas were New York, Virginia, North and South Carolina, The Nays, New hampshire, Massachusetts, Connecticut and Pennsylvania—Rhode Island, New Jersey and Maryland divided, Delaware Mr. Dickinson not present. the Reason you

² See the *Journals*, June 8.

³ Laurens. See the *Journals*, June 10, and no. 337, 338, 344-347, *ante*.

⁴ See no. 347, note 5, *ante*.

may conjecture. all the Difference from the above State, if applied to the previous Question, was that Mr. Fell voted for the previous Question, and Mr. Henry against it, whereas on the main Question Mr. Fell voted ay, and Mr. Henry Nay, which divided both the States to the utter Confusion of etc., etc., etc., after it had been audibly declared, "all hollow", "all hollow".

Thus are the crafty taken in their own Devices. And I suppose Mr. Henry will undergo a severe Gauntlet for so sacrilgiously subverting their political Babel. We have not as yet appointed any new Minister, nor have we any foreign News of Importance. I seriously apprehend some new *Folger*⁵ has arisen to thwart our Advices.

We have not been able yet to ascertain the Evidences of Doctr. D——⁶ as to Communication of signing the *Treaty* to *London*, he being gone on the western Expedition, and we cannot discover who the Person is in this City to whom he alluded; however I hope in a little Time through Mr. Sergeant or Mr. McKean to obtain satisfactory Information; when I do, I shall make the best use of it here, and immediately communicate it to you.

P. S. I hope we shall in a few Days finish our Loans on a happy Scale.

355. JOHN FELL, DIARY.¹

[June 15, 16, 1779.]

Tuesday June 15th Com'l Committee Congress. Sundry Letters and Reports from Committees a Memorial from Mr. Horton one of the Muster Masters, in behalf of himself and the rest Referrd to a Committee of 3. Vizt.

P M. Marine Committee.

Wednesday June 16th Com. Committee Congres Letter from Genl. Washington, relating to the Enemys movements at the North River. Report from the Committee appointed to the affair of Vermont and N York. after debate agreed to. Order of the Day on finance. Motion for raising the Interest to former lenders, to make good the Loss or deppriciation. Long Debate

9 A M. S F and Peter sett off.²

356. JAMES LOVELL TO SAMUEL ADAMS.¹

16th of June 1779

. . . . Yesterday a Report was brought in by the Treasu'rs to give Mr. Storey Emoluments similar to those in the Secretary's Office here to a first Clerk. But it was judged that ill Consequences wd. flow from setting a Philadelphia model for Boston Salaries; therefore the Matter was

⁵ The allusion is to the case of John Folger, whose bundle of despatches was found to be blank paper. See the *Journals*, Jan. 12, 1778, also these *Letters*, vol. III., no. 24. Cf. no. 401, *post*.

⁶ The letter is plainly "D" in the manuscript, but Scudder is evidently referring to the Dr. Kendall mentioned by Lee in his letter to Laurens May 27 (no. 306, *ante*).

[355]¹ Library of Congress, Journals and Diaries.

² This entry is in the margin. S. F. and Peter were his wife and son (see no. 308, *ante*). Peter Fell was nominated for the office of clothier-general June 22 and again July 19.

[356]¹ N. Y. Pub. Lib., Samuel Adams Papers.

referred back to My Lords to *take order*. They will direct the Navy to a Sum more adequate than heretofore, but in a Way that may not drawn² on other Applications in necessary Consequence.

A Warrant also issued in yr. favr. for 1500 Doll'rs on your Application the State to be accountable.

An Answer was given in a Draught by the Com'tee appointed on the Letter of the King of France respecting the Birth of a Daughter, *Madame de France*. There is nothing Extra in it except asking for the Kings and Queens Picture for the Congress Chamber. On this Point much might be said, *both Sides*. It will flatter France and mortify England. A very begging Letter was also prepared for Stores, to Amt. of 3 mill's st'g to be pd. for *in Peace*.³ . . .

357. THE NEW YORK DELEGATES TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PH'A 16 June 1779

Sir

We have been favored with your Ex'ys Letter of the 7th Inst on the Subject of the late Resolutions of Congress respecting the Revolt in New York. The Presidt. will transmit to you their further Resolutions on that Head. As the State of New York by these Remonstrances to Congress demanded Justice against the Revolters, they thought it reasonable to be assured that the State had done them Equity before Congress interfered, and for that Purpose appointed a Com^e to enquire and report. The Spirit of your Letter to Congress will advance the Business. We conclude it to be in a good Train, and are clearly of opinion that the Committee ought to proceed. Any Decisions of Congress made *ex parte* wd. have less weight, than if made after hearing these People. the Majority of the House have very proper Ideas on the Subject, and we flatter ourselves that it will terminate right.²

We have the Honor to be with great Respect and Esteem

Your Excy most obt. Serv's³

358. JOHN FELL, DIARY.¹

Thursday June 17th 1779. Commercial Committee Congress. After the Dispatches etc. were Read the Order of the Day on fixing the Ultima-

² Presumably the word should be "draw"; that is, establish a precedent.

³ The representation to the King of France is recorded at length in the *Journals* under June 15. Following it is an entry beginning, "On the 10th of July, the board of war having laid before Congress an estimate of sundry articles proper to be sent for", etc. This means that certain proceedings respecting the representation which actually took place July 10, instead of being entered in the *Journals* under that date, were entered under June 15. That these proceedings did, in fact, take place July 10 is evidenced by the fact that the representation as despatched bears the date July 10. One of these is in Haverford College, Roberts Coll., 723; another in Am. Phil. Soc., Franklin Papers, LIV, 52; a third in Hist. Soc. of Pa., Franklin Papers, vol. V. Cf. no. 402, *post*. [357]¹ N. Y. Hist. Soc., Duane Papers, V. 91 (draft, in the writing of Jay); N. Y. State Lib., Clinton Papers, no. 2413 (copy); *Clinton Papers*, V. 89.

² See no. 349, *ante*, and nos. 362, 364, 403, 407, 409, 453, 544, 545, *post*.

³ This draft is not signed, but in the copy and printed text above referred to the letter is signed by John Jay and James Duane.

[358]¹ Library of Congress, Journals and Diaries.

tom for Instructions to the Minister Plenipotentiary etc. P M. 6. OClock Marine Committee.

*Friday June 18th*² Com. Committee Congress. Sundry dispatches Memorials etc. A Memorial from C[harle]s Pettit D Q G complaining of the State of New Jersey Taxing him and Mr. Cox from One to ten thousand Pound at the discretion of the Assesor Committed to 3 vizt. Mr. McKean, Mr. Paca, Mr. Lovell. Order of the day on finance long debate whether the lenders on former Loans from March 1st 1778 should have the Promise of their Interest being Put on the same footing as those are, which are to have an increase of Interest on the Present Loan if the money should farther depreciate. Duane, Scudder, Paca, Henry, Smith, Fleming, Burk, Laurens, Drayton No. P M Marine Committee.

359. THE PRESIDENT OF CONGRESS TO THE MINISTER TO FRANCE.¹

IN CONGRESS PHILADELPHIA

June 18th 1779.

Sir,

I enclose you Acts of Congress of the 5th and 18th Instant respecting Bills of Exchange for two Millions four hundred thousand *Livres Tournois* principal, and four hundred and thirty two thousand *Livres* Interest drawn on you in favour of Monsieur de Beaumarchais, and payable in the several Sums, and at the respective times specified in the enclosed Schedule. Sensible of Mr. Beaumarchais' efforts to serve these United States, and of the seasonable supplies he has from time to time furnished, Congress are earnestly disposed to make him this payment. They would gladly have done it in produce; but the state of our finances, and the hazardous Navigation render it impracticable.

We flatter ourselves that you will be able to discharge the respective drafts with punctuality. If difficulties occur you will have time to represent them to Congress, who will exert all the Means in their power to prevent any loss or disappointment to Monsieur de Beaumarchais.

I have the honor to be Sir with great Respect and Esteem

your most obedt. Servant

JOHN JAY,
Presidt.

To the Honble Benjamin Franklin Esqr.

Minister Plenipotentiary for the United States of America at the Court of France.

360. HENRY LAURENS, NOTES OF PROCEEDINGS.¹

19th of June 1779.

The Ultimata being Order of the Day, One or more of the Resolutions recommended by a Committee of the whole Set aside by previous question

² Samuel Holten records in his Diary under June 18, "I have received information that Genl. Ward is elected a Delegate for Mass'a Bay in the room of Mr. Edwards" (*Essex Inst. Hist. Colls.*, LVI. 24).

[359]¹ Hist. Soc. of Pa., Franklin Papers, V. (L. S.); Am. Phil. Soc., Franklin Papers, XIV. 228 (A. L. S.); Harvard Univ. Lib., Sparks MSS., no. 49, vol. III., f. 116 (duplicate).

[360]¹ S. C. Hist. Soc., Laurens Papers, XXVII.

as twenty, or perhaps more, or say few more or less had been on Thursday—then agreed to postpone the consideration of the remainder until a Proposition by Mr. Gerry should be considered.

The Proposition as follows.² . . .

Debate on the first Clause from $\frac{1}{2}$ past 11, to $\frac{1}{2}$ past 3 oClock—adjourn without determining.

In the course of debate Mr. Gerry who upon a former day had warmly censured the North Carolina Members and others who had unwarily disclosed that they had consulted the Minister of France on the Article for securing Fisheries avowed that he had now in his turn conferred on the same subject with the Minister.

² Gerry's propositions are found in the *Journals*, June 19. Besides the copy embodied in these notes there is another in the Laurens Papers, vol. XV., both copies containing unimportant variations from the text in the *Journals*. The propositions are also found in Austin, *Life of Gerry*, I. 287, together with the substance of remarks upon them which, it is there stated, Gerry made during the discussion on the floor of Congress. Austin presumably drew this summary from original notes of Gerry found among the latter's papers. The remarks as there given (*ibid.*, pp. 289-292) follow:

"It is not so much fishing, said he, as enterprise, industry and employment. It is not fish merely, which gentlemen sneer at, it is gold, the produce of that avocation. It is the employment of those who would otherwise be idle, the food of those who would otherwise be hungry, the wealth of those who would otherwise be poor, that depend on your putting these resolutions into the instructions of your minister.

"He denied that it would protract the war. Whenever Great Britain is ready to acknowledge your independence she will be ready to accede to all your other reasonable and fair demands. It is not to be expected that she will incline to diminish your boundaries either on the land or the ocean. Show her that this is your right, you will obtain it of her justice; or prove to her that it is your determination to maintain it, and you will secure it from her policy.

"As to our right, Mr. Gerry said, the God of nature gave it to us. He made the sea the common property of all mankind in a more strict sense than he had done the land. Land requires exclusive occupation for government, cultivation or property. But the great world of waters admits of no national appropriation. Where the winds can carry us upon the ocean, there we may sail, and where we sail, there we occupy, and what we occupy we may of right use for the purposes for which occupation is valuable; and it might as well be claimed by any nation to restrain us from navigation as fishery. We ask only the right of casting our hooks into the ocean and owning what we may catch; and to say that this is not the right of an independent people, is to say they have purchased a nominal independence, by affixing to themselves a constant mark of vassalage; for unless the right is bargained away by treaty it belongs to us by inheritance.

"If it could be supposed that any obstruction to our rights originated in the policy of our ally, it would diminish the affection with which our great friend is now cherished in the hearts of our people. But before France had given us one encouraging word, the people of New-England had poured out their blood like water in defence of their rights; they had been cheered also by their southern friends, but at first they had stood alone; and by God's blessing they would stand alone again without allies or friends, before they would barter away their rights.

"If such a surrender could take place, the commerce of New-England will on the return of peace seek British channels. It will be the object of Britain to detach us from all commercial connexion with our ally, and she will find her objects greatly assisted by the temper of our people.

"But if we insist on the right, Britain will yield it to us. Her policy will assist us. After a peace she will be desirous of our custom. She will not be likely to crowd the terms of a peace that looks disgraceful to us, and will be felt as oppressive. In making any peace she will have done much for her own humiliation, and she will do a little more for our favour. It will be her policy, when she is no longer our open enemy, to have us believe she is truly our friend; and by the liberality of her conditions, to obliterate our animosity. Our commerce will be of little value to her unless we enjoy the fisheries, and any commerce with her would without them be ruinous to ourselves. By lessening our means of payment we must either stop the importations of her manufactures, or burthen ourselves with a constantly increasing debt."

* *Mr. G. Morris* said our pretended private business was no secret, it was known and talked of in every one of the States. *Mr. McKean* confirmed this as to every County Town in Pennsylvania.*³

Mr. Laurens rose and said I speak to privilege.

Mr. President, I find this business has been spoke of without much reserve abroad. one Gentleman acknowledges that he has conversed on it with the Minister of France. we know that several others had done so before him. another Gentleman informs us that our pretended *private business* is know[n] and talked of in every one of the States. I have reason to believe it has been transmitted to South Carolina, but not by me. I have hitherto held myself restricted from speaking or writing on the subject, but I now give notice that henceforth I shall not consider myself under any obligations.

Mr. Drayton. If the intelligence has been transmitted to South Carolina it was not by me, so far I am upon an equal footing with my Colleague.

* 23d June

This information now appears to wear the effect of an harbinger to *Americanus* in the *Pensylvania Gazette* of this day.⁴

[Endorsed:]

Release from Bond of Secrecy respecting Fishery etc.

³ See the addition of June 23, below.

⁴ A number of articles from the pen of "*Americanus*" had recently appeared in the *Pennsylvania Gazette*, chiefly upon questions pertaining to financial conditions, public credit, etc. In the issue of June 23 he takes for his text that item in the *Maryland Gazette* of May 28 to which Carroll refers in his letter of May 31 (no. 310, *ante*). This article, as it intimately concerned Congress collectively and some members very particularly and stirred other pens to activity, both in and out of Congress, might pertinently be reproduced here; but because of its length only its most significant passages will be quoted.

"Messieurs Hall and Sellers.

"Gentlemen,

"I shall now present the public with the following extract, taken from a Maryland Paper, with some animadversions thereon.

"*Extract of a letter from a Gentleman in Virginia to his Friend in this city, dated May 19, 1779.*

"*'I this moment received yours of the 14th, and am much concerned that we are not likely to see you here this summer, tho' I will not give up the hope. Would to God my conjectures of the designs of the enemy had proved wrong: It hurts me to think we shall endure this campaign, especially as I am convinced it might have been avoided, if we had acted wisely and honestly the last fall and winter. I do from my soul believe we should have had peace this spring, had it not been for the execrable faction.'*

"The public may be assured, that the writer of this letter is a Gentleman of character, and one who was both last fall and winter a Member of the Honourable Congress. If the present distresses and ravages of war, and the expence of our blood and treasure, is owing to the dishonest and unwise practices and conduct of any man, or sett of men, they ought to be exposed to the public, and the measures they have so fatally pursued to be reprobated and condemned. This writer appears fully convinced that not only this campaign might have been avoided had we acted honestly and wisely last Fall and Winter, but that we should have had peace this Spring, had it not been for the *execrable faction*. Whatever faction has prevented peace, is execrable almost beyond the powers of language

to express; and I am extremely sorry that this gentleman has not told us in plain words what faction it is, which has prevented a peace from taking place this Spring. Is it a Tory faction, a British, or American faction? We certainly know it cannot be a French faction; since his most Christian Majesty has from the first been averse to a war with Great Britain and as early as the beginning of February last, by his Minister, acquainted Congress with his desire for peace, and urged them to come to such resolutions, as might be the basis for opening a treaty, and putting an end to the ravages of war.

"It is reported that Congress are still debating what the terms shall be, and that some men strenuously insist on such, as others fear will not be agreed to, and as they apprehend may prevent any treaty at all; and such as our Ally, by his treaties with us, is by no means bound to support us in demanding. That these latter are very apprehensive of the consequences of insisting on articles, which may in the very first stage of a negociation bar all future progress in the treaty, and possibly not only disgust our Ally, but prevent other powers from offering to mediate, or to interfere at all in the dispute. This is as important a subject as has ever fell under the consideration of Congress; and it is evident they consider it as such, having already spent more than four months without deciding on it, though repeatedly urged by the Minister of France to come to their final resolution.

"No one who is the least acquainted with the state of public affairs, and the interest and views of the contending powers, will ever attribute our not having peace, or at least a negociation for it, to a French interest or faction. This dispute in Congress has divided (as the discussion of every important question naturally must) the House into two parties. Can it be supposed that either of these are designed by the phrase *execrable faction*? If so, it is high time that not only the Journals of Congress and the ayes and noes should be published, but that the doors of the House should be thrown open, and their constituents have an opportunity of judging for themselves, who are the men who oppose themselves to the peace and happiness of these States. I am very sensible of the impropriety and the danger, as well as of the absurdity, of debating in public on the terms to be proposed in a treaty, on what is and what is not ultimately to be insisted on, or in what manner proposals are first to be made, and how they may afterwards be explained or altered. But when this bleeding Country is told that an *execrable faction* prevents peace, it is but natural to enquire where this faction is, who compose it, and what are their views. Congress alone are invested with the powers of war and peace; this faction must therefore be in that Body, or be so powerful at least without doors, as to influence a majority of the votes within. From what this gentleman has positively asserted, and from general report, it cannot be doubted that overtures or proposals of peace have been made from some quarter or other; whether they originated from France or Great-Britain, or in Congress itself, is immaterial: Every one will agree that peace is an object most devoutly to be wished for, if to be had on safe and honorable, as well as just and equal terms. What then can be the views of those who oppose it? I presume no one, whether in Congress, or out, whether in the French, American, or British interest, is against a peace, tho' they may differ widely in their opinions, as to the terms on which it ought to be made. France, having no other interest or object in this war than the securing our independence and sovereignty, and the separating us for ever from Great-Britain, by which her commerce would be enlarged, and that of her rival lessened, and her increasing Maritime Power checked, it is evident that terms which will secure this must be agreeable to France.

"... but it is reported, that the debates and delays in Congress, on the terms of the treaty proposed to be opened, have arisen from the desire and wishes of some men to include in it certain objects and rights, which were not in our possession, either at the time of the declaration of independence, or of the concluding the treaties of Paris: In a word, that a right of fishing on the Banks of Newfoundland shall be acknowledged and guaranteed to these States, and that such an article shall be made a *sine qua non* of the treaty.

"This fishery is undoubtedly an object of great consequence to the United States, to two or three of them more especially. But as these Banks are not contiguous to the shores of any of these States; as it is not a question, whether the subjects of these States had any other right to that fishery, but what they derived from their being subjects of Great-Britain; and as it cannot be pretended they were in the possession and enjoyment of such right, either at the time of the declaration of independence, or of signing the treaties of Paris, nor that it was ever included in any one of the charters of the United States; it cannot be surprising that many, who judge a peace to be of the utmost importance to the interest and happiness of these States, should be afraid of the consequences which may follow from making this an *ultimatum* in a negociation; nor that, as France by treaty is not bound to guarantee anything out of the dominions of these States to them, unless acquired by their arms, and in their possession at the time of pacification, can it be strange that some men should be apprehensive whether France will support this claim, and whether insisting on it may not tend to prevent the inter-

position and mediation of other powers. It is very natural that Congress should be divided on so important a question; for though all of them are interested in obtaining this point, yet some of them are very remotely so, compared with others. It is very unhappy that this question has been touched on or agitated at all at this time; and though the delay in resolving finally upon it has been a principal cause of the continuance of the war, of this campaign at least, yet I cannot consider, either those who are for insisting on this as an *ultimatum*, or those who are against saying anything about it at present, to merit the harsh epithet of *execrable* faction. . . .

"Governor Johnstone, in the House of Commons, freely declared he had made use (whilst in America) of other means to effect the purposes of his commission, than simply those of reason and argument. Have we not good right, from present appearances, to believe that in this instance he declared the truth? But to whom is it to be supposed he applied these means? To professed Tories, and British partizans, to keep them steady to the cause? To your moderate men, to induce them to persevere in their hypocritical neutrality? No. He knew his business better; the first wanted no bribing, and the latter would but illy repay the purchase.

"Your cold hypocrisy's a stale device,

"A worn-out trick; wouldst thou be thought in earnest,

"Clothe thy feigned zeal in rage, in fire, in fury."

"AMERICANUS."

Two replies to this article of "Americanus" appeared in the *Pennsylvania Gazette* of June 30, one by "Common Sense", who raises the question who is "Americanus", the other by "Tiberius Gracchus" (cf. no. 132, note 2, *ante*). In the issue of July 7 "Americanus" returns, declaring that he is not, as intimidated by "Common Sense", a member of Congress or of the Pennsylvania assembly or of any other, "but a private citizen, in moderate circumstances, in point of fortune, and whose political principles and character have never been questioned". In the issue of July 14, continued in that of July 21, "Common Sense" discusses at length the points in the fishery question brought up by "Americanus", not neglecting of course to interject some remarks concerning the latter's principles. "Joseph Galloway", he says, "formerly wrote under the signature of *Americanus*, and tho' every honest man condemns his principles, yet nobody pretends to question them." In the issue of July 28 "Americanus" further asserts that he is "not an Englishman, that he is not, nor ever was a tory, that he never abused the confidence, or betrayed the secrets of Congress", etc.

Meanwhile, in the *Evening Post* of July 9, "Cato" retorts upon Paine ("Common Sense"), and so turns the controversy, to some extent, into another channel. What is of particular interest in this connection is that which concerns the identity of "Americanus" and that of "Cato".

"In Hall and Seller's Gazette, of the thirtieth of June", writes "Cato", "there are two papers, the one signed Common Sense, and the other Tiberius Gracchus, both of them leveled at a member of Congress, supposed to be the author of a paper signed Americanus; both of them founded on a supposition that he had contended for excluding America from the fisheries. If this gentleman has meddled in the government affairs of Pennsylvania, let him answer for himself; but he and every other our representatives in congress has a right to expect protection from the virtuous Whigs of America, while in the execution of his duty. I have reason to believe and authority to say, that the Hon. Mr. Morris was not the author of the piece signed Americanus, and neither saw it, heard of it, or knew of it before the publication; that neither he nor any other man now in Congress ever held up an idea of ceding to Great Britain, or any other power on earth, the right of fishing; and I call upon those gentlemen for the proof of it, if any they have, to contradict me, in order that the man, or men, who shall have wantonly or wickedly misrepresented the debates of that honorable body, may be held up to the reproach they justly merit."

To this "Common Sense" replies in the *Gazette* of July 21: "Who the writer of Americanus is I am not informed. I never said or ever believed it to be Mr. Gouverneur Morris, or replied to it upon that supposition. The manner is not his, neither do I know that the principles are, and as that gentleman has disavowed it, the assurance is sufficient. I have likewise heard it supposed that Mr. Deane is the author, and that his friend Mr. Langworthy carried it to the press. But I know not who the author is. I have replied to the Piece rather than to the Man; tho' for the sake of relief to the reader and amusement to myself, he now and then comes in for a stroke."

In the N. Y. Hist. Soc., *Collections: Deane Papers*, IV. 4, where the article by "Cato" is reprinted, the writer is identified as Whitehead Humphreys (see also the articles at pp. 11, 13, 15, 27). Concerning an episode in which both Lanworthy and Humphreys were involved, with "Cato" as the chief agent of provocation, see no. 443, note 2, *post*.

361. JOHN FELL, DIARY.¹

[June 19, 1779.]

Saturday June 19th. Commercial Committee Congress. After the Letters etc. The order of the day on the Report of the Committee on the Memorial from Mr. Girrard. after some debate to very little Purpose the Eastern Members made a new motion about the Fishery, to which amendments were Propos'd and long and Idle debates ensued according to custom, whenever the fishery is the subject.²

362. WILLIAM WHIPPLE TO JOSIAH BARTLETT.¹

PHILADELPHIA 20th June 1779

My Dear Sir,

You may well think it strange that we are so long without intelligence from Europe a circumstance that I cannot acco't for, unless we may suppose there has been many miscariages.

Your distress on account of the Currency is not to be wondered at, it is really an object of great concern and demands the most serious, and diligent attention; three days in the week are devoted to that business, and I hope a plan will soon make its appearance that will dispel the glooms that now overspread the countenances of Americas Friends. . . . I suppose the Gen'l Assembly are now setting and I hope som[e]thing will be done respecting the Grants. New York are continually pressing to have that Business drawn to a conclusion and insist there shall not be a separate state but will acquiesce in any other mode of settling the dispute. I think it of importance that N. H. sho'd lay in her claim and send some person here, well informed, to support the claim. sho'd that Country be added to N. Y. she will be a powerful, and I am apprehensive a troublesome Neighbour.² . . . both the Lee's have taken leave of Congress, the *Dominion* now makes a very indifferent figure, but I understand there are some appointments which, (when they arrive) will place that state in a more respectable point of light. It is not an agreeable thing to see a state divided, that has never yet been the case with N H, but will it not be the case when the two last chosen Gentn. appear together? Unanimity is ever desirable in public councils, but never more necessary than at the present day, besides the disadvantages to the public it must be very disagreeable to any Gentn. to be opposed to his Colleague in office. I think these considerations ought to have some influence in the choice of public characters.

Sparks, on the other hand, asserts (*Life of Gouverneur Morris*, I. 204) that "Cato" was no other than Gouverneur Morris himself; and Richard Henry Lee appears to have reached immediately the same conclusion. See his letter of July 30 to an unidentified correspondent (*Letters*, ed. Ballagh, II, 92. See also no. 465, *post*). The writer of the letter the extract from which started the whole controversy was probably Francis Lightfoot Lee. With regard to Langworthy and "Americanus", see no. 401, *post*. Cf. nos. 395, 406, *post*.

[361]¹ Library of Congress, Journals and Diaries.

² See nos. 317, 360, *ante*, 366, 368, 369, 380, 381, *post*.

[362]¹ N. Y. Pub. Lib., Myers Coll., Declaration of Independence, p. 40; *Hist. Magazine*, XIV. 215.

² See nos. 349, 357, *ante*, and nos. 364, 403, *post*.

22d. Colo Peabody arrived last evening. I find by him that I am not mistaken in my conjecture respecting him and his intended Colleague. cannot something be done to prevent the evils that may be the consequence of a division of sentiments.³

363. DANIEL OF ST. THOMAS JENIFER TO ROBERT CHRISTIE.¹

PHILA. June 21² 1779.

D'r Sir:

. . . . Congress are endeavoring to re-establish the Credits of the Paper Emissions, and will, it is probable do a great deal towards accomplishing of it within a few days. The Speculators may probably Counter act this Salutary measure. Taxes will be exceedingly high. I suppose Lands will fall. in that Case the Purchasing of them at not more than 5 or 6 for one would be adviseable.

Our affairs in Carolina by various reports wear a flattering aspect but Congress have not received any Public dispatches from that Quarter since the 5th of May.³

No late news from Europe.

364. JAMES LOVELL TO SAMUEL ADAMS.¹

June 21st [1779.]

Sir

. . . . Govr. Clinton does not approve the Measures we have taken with Vermont. I think that worthy Gentleman has not the necessary Coolness in this Business. He hopes we will not proceed, as he cannot call the Assembly together. But the Delegates of that State were in Opinion with others that the Matter is in the proper Train, and therefore no Order is gone out to stop the Commissioners who were on their Journey.²

Slow progress yet as to *Banks* of both *kinds*.³

365. JOHN FELL, DIARY.¹

[June 21, 22, 1779.]

Monday June 21² Com Committee Congress Order of the Day on finance, long debate, and nothing done.

³ Peabody's colleague was Woodbury Langdon. A letter from Whipple to John Langdon, June 21, touching Langdon's "anxiety for the acquirement of wealth", is in Force Trans., Whipple, p. 685.

[363]¹ Copied from the original, then in possession of Mr. Stan. V. Henkels of Philadelphia. Addressed, "Robert Christie Esqr. Balt. County Maryland To be put in the Waybag and left at Stevenson's Tavern".

² The date was first written "20th", then the figure 1 written over the naught. The 20th was Sunday.

³ Cf. no. 350, *ante*, and no. 377, *post*.

[364]¹ N. Y. Pub. Lib., Samuel Adams Papers.

² See no. 362, note 2, *ante*.

³ The allusion is doubtless to the laboring problems of finance and fishing rights.

[365]¹ Library of Congress, Journals and Diaries.

² The entries for June 20 (Sunday), 21, and 22, although in their proper chronological place, bore, as first written, the dates, "July 20", etc., but were corrected to "June".

Holten's Diary for this day records merely that "Colo. Peabody, a delegate from New Hampshire, arrived",

Tuesday, June 22d Com Committee. Congress. This wholly taken up in Reading Letters, Memorials and Petitions etc. Motion for appointing a Clothier General. Mr. Wickoff was nominated per Genl. Armstrong and Mr. Scudder. Peter R. Fell was nominated per Mr. Duane. Deferred till Thursday P M Marine Committee.

366. WILLIAM FLEMING TO THOMAS JEFFERSON.¹

PHILADELPHIA; 22d June 1779.

Dear sir,

. . . . That peace and the independance of the thirteen states are within our power is a point not well established; but thus much I think myself at liberty to say, that Congress, long before my arrival here, were called on to declare on what terms they would consent to a peace? and to fix their ultimatum. They have been debating the matter ever since, and have not yet come to a point, tho' I think there is now a prospect of that necessary business being shortly finished. The difficulties have mostly arisen in the East, but have been supported from the south side of Powtomack; tho' much of that support is now withdrawn.² The extreme delay in this business necessarily gives great uneasiness to the French minister, but that he was about to return to his own country in disgust is not true. This climate is very unfavourable to his constitution, and he had it much at heart to leave it before the hot season came on, and now only waits the determination of Congress on this important business.³ He thinks there have been combinations to break the alliance, and throw America into the arms of G. Britain, on her acknowledging our independence, in which opinion many have joined him. The ratification of the treaty, therefore, by the Virginia assembly was highly pleasing to him, as I doubt not you will see by his letter acknowledging the receipt of it. A few members of Congress who got intimation of the ratification, expressed their dislike to the proceeding, as being against the spirit of the confederation, tho' nothing was publicly said on the subject.⁴ However, I am of the opinion that

[366]¹ Library of Congress, Jefferson Papers, second ser., LI. 27.

² See especially the *Journals*, Feb. 23, Mar. 17, 22, 24, May 8, 12, 13, June 17, 19, July 1, 14, Aug. 4, 14, *Cf.* nos. 305, 307, 360, *ante*, 369, 401, note 2, 406, *post*.

³ In his letter to Fleming June 8 (*Writings*, ed. Ford, II. 188), to which Fleming is replying, Jefferson speaks of a "pretty general opinion prevailing that peace and the independence of the thirteen states are now within our power, and that Congress have hesitations on the subject, and delay entering on the consideration", and refers to the rumor concerning the French minister, which Fleming declares is untrue. There had even been a movement, Jefferson says, to re-establish the committees of correspondence and take other measures. "The whole however subsided on a supposition that the information might not be true, and that our delegates in Congress would think no obligations of secrecy under which they may have been laid sufficient to restrain them from informing their constituents of any proceedings which may involve the fate of their freedom and independence." *Cf.* no. 225, *ante*, and nos. 369A, 411, 447, *post*.

⁴ The ratification was done by joint resolution of the Virginia assembly June 4: "Resolved, That the Treaties of Alliance and Commerce . . . ought to be ratified and confirmed so far as is in the power of this Commonwealth; and the same are hereby ratified, confirmed and declared, binding on this Commonwealth.

"Resolved, That the Governor be desired to notify to the Minister of his Most Christian Majesty, resident at Philadelphia, the above ratification, under the seal of the Commonwealth."

Governor Jefferson's official notification to the minister is dated June 7. These items were contributed by "Honestus" to the *Pennsylvania Packet* of July 29. *Cf.* no. 369A, *post*.

the occasion warranted the measure. I think it high time for Virginia to look to her own importance, and to provide for her own security, in case of disunion.

367. WILLIAM SHIPPEN TO RICHARD HENRY LEE.¹

PHILADELPHIA June 22 79

Dear Sir

This day I am favored with yours of 13th Inst. in which I hoped to find a confirmation of our very good News from the Southward. I am pleased with the effectual measures taken by your State to raise so much by Taxation. it shows a Spirit worthy of imitation. you'll see by the inclosed Papers how the reformation Plan begun in this City before you left us is spreading through this and several other States. I hope it will produce great good. I wish I could give a good prospect of some valuable conclusion on our finances, but so long as the power of evading perplexing and delaying the most patriotic propositions is allowed to a certain few, we shall do nothing timely that is fit and proper to be done. we have spent two finance days already without passing one resolution to purpose, and for this reason only, (if I am not too Suspicious[]) that certain Words containing or that may be construed to contain, what may answer the designs of a particular junto cannot be carried.² I find your absence does not entirely free you from a Squib now and then such as, if that Gentleman was or had been as well known in Virginia as I know him he would not have been continued a Delagate so long. by the inclosed resolutions you'll see how very little has been done, no Stop put to the Commissions of Quarter Masters and Commissary and than which nothing has or possibly can occasion the depreciation of our Money more rapidly.³ only think of a two penny Jack who never in his life was capable by any business he had been engaged in, of making a Shilling more than maintained his family and that but in a very so so manner shall now be making 40 or 50,000 pr. annum and that by lowring the value of our Money and raising the prices of every article he purchases a truth acknowledged by all and yet the mischief suffered to go on and increase, as though some were afraid to Stop it for least [*sic*] they themselves may be injured in their connexions. W Paca has moved several times to have a report respecting J Mitchel considered, which he had delivered into Congress long ago and when at last it was agreed to be taken up in order to determine upon it Mr. Secretary turned over all the papers in the box and could not find the report and so went upon other business.⁴ . . .

[367]¹ Univ. Va. Lib., Lee Papers.

² The two finance days were probably June 18 and 21. The "certain words" which were a matter of controversy were probably those involved in Duane and Burke's proposed amendment to the motion of Morris and Gerry, June 18. Cf. the *Journals*, June 11, 14 (pp. 719, 729).

³ The resolutions referred to are probably those of June 14 (*Journals*, p. 726). With regard to commissions, see especially the *Journals*, May 11, 28, Dec. 31. Cf. no. 303, note 3, *ante*, and no. 383, *post*.

⁴ The report referred to is found in the *Journals* under Mar. 21. John Mitchell was deputy quartermaster-general, and it was through him that Arnold obtained the wagons which he was charged with using on private account. See *Pa. Arch.*, first ser., VII. 160, 175, 179, 207, 213-220, 262.

368. JOHN FELL, DIARY.¹

[June 23, 24, 1779.]

Wednesday, June 23d Com'l Committee Congress. Sundry Letters and Reports Read. A Memorial from the Legislature of New Jersey was read, relating to the appointment of Officers Referrd to a Committee of 3. vizt. Sherman, Morris and Scudder. Order of the Day on Finance On the Question for Mr. Dickinsons amendment for the Interest to be secur'd to the lender of the Present Loan and to have Retrospect to goe back to 1st March 1778 6 Yaes. 4 Naes 2 States divided. On the Main Question Mr. Scudder call'd for the Yaes and Naes and said his Life might deppend on his Vote being known. All Yaes except Scudder, Duane and Paca.

Thursday June 24th Com'l Committee Congress. When the Letters etc. were read, The Order of the day for the taking up the Ultimatom for the fishery, and after a number of amendments, the Question was Put and carried in the affirmative as follows viz Yaes 5 Noes 4. Divided 3 of which N Jersey was one, I was no, under a full conviction, notwithstanding the importance of the fishery that these United States are not equal to continue the Warr without the Assistance of Our Ally, Provided we could have an honorable Peace, without insisting on this claim Purely to serve the Eastern States.² Peter Wickoff appointed Clothier General.

369. JOHN ARMSTRONG TO GEORGE WASHINGTON.¹

PHILAD. 25th June 1779.

Dear General

I am for some time possessed of your Excellency's favor of the 18th. Ult.,² and perfectly convinced of the truth and importance of the contents but have and shall punctually observe that degree of reserve, which is equally just as it can be agreeable to your wishes.

You are not mistaken when on a late amplification of certain powers, you immagin Congress *had an eye to something particular or out of the common road.*

The fact was this, that we were taught to believe the return of the Count De Estaing to our coasts before this time, and that by the assistance of his fleet, you will not be surprized that flattering and new manuvres should be formed in embrio, and the event of his coming be followed with hostile attacks on the Enemy at New York and Rhode Island. those Sa[n]guinary ideas so far operated on the minds of Some Gentlemen as led them to move that your Excellency should be directed to recall General Sullivan etc. but these motions were so far overruled as to leave you to the Exercise of your own judgment, on the campaign at large.³ But upon

[368]¹ Library of Congress, Journals and Diaries.² Cf. nos. 317, 360, *ante*.[369]¹ Library of Congress, Letters to Washington, XXXIII. 214; *Letters to Washington* (ed. Sparks), II. 309 (dated June 5).² Washington's letter to Armstrong May 18 is in *Writings* (ed. Ford), VII. 454.³ The amplification of powers referred to was on May 10. See nos. 259, 260, 267, *ante*.

what ground we were amused with the coming of the Count, and why these hopes have so nearly died away, are matters that to me requires some farther explanation.

The business of finance altho' not yet finished according to the System proposed has nevertheless passed sundry Stages apparently proper, and from which I expect at least a sudden period to the depreciation of our Money. indeed the mere expectations of the populace, altho' our Resolutions have not yet appeared joined to the efforts of the sundry Committees in this State have not only prevented a farther depreciation but have actually lessened the price of sundry of the more essential articles of life. Foreign affairs continue to perplex and Procrastinate. Who shall be the great men Over the Water, and whether a common right in the Fishery shall like other Claims of *right and convenience* be made an Ultimatum in case Britain shou'd offer to concede our independance, or whether the Fishery at least for the present shou'd be left to the effect of our Ministers Negotiation are subjects of tedious and disagreeable debate. It may be feared these points are blended, the business itself, and who shall transact it. whos[o]ever wishes to be the Minister, may wish the latitude of Negotiation. Others apprehend the risque might be too great in the hands of a Minister. however this important matter may be, many things unjust and impolitick have been said and propagated upon it, (I mean the fishery) by making unnecessary Obstacles about it, giving it an undue and unnatural weight in the business of peace, as tho' it shou'd be the only Synequanon of Great Britain. And if left on the easy footing of Negotiation, at least oblique insinuations have been held up to the people that we might have our Independence conceded to us whenever we please and might have had peace before now etc. and so forth thus have the true grounds of the debate been much shaded by a parcel of false hypothesis and delusive stuff. It is also true that Several Gentlemen far removed from any expectation or wish to go to Europe, think the fishery ought to be left to the best terms the minister can make about it being of Opinion that it is not essential to the Well being of these States, that the Eastern States only or more principally must be gainers by it, and lastly viewing it as the only hinge upon which Peace or war must turn. in this light I confess I am neither willing nor able to conceive it, believing that the real Springs of Peace or War, must arise from sources considerably different from that of the Fishery.⁴ The Army is also a topick of great consideration, I mean it's Smallness and dissatisfaction. glad wou'd I have been to have had it taken up in a Series or chain long ago, but our unpardonable or at least unaccountable delays on other business has prevented that design which I'm persuaded if not early attended to must undo our cause. The business of half pay for life of which I have been fond as the best compound of justice and gratuity to our Soldiery, I find will meet with more Opposition in Congress than I had immagined: many declaim against the policy of that measure, but say they are ready to agree to something tantamount, by reducing the necessaries of life to a moderate price, and making the pay good from the beginning as tho' there had been no depreciation: which of these modes

⁴ Cf. no. 366, *ante*.

Congress ought to adopt, I am at a loss to know, but wou'd gladly urge the best. . . .

29th. I have just now seen an intelligent Young Gentleman who left Dublin on the first of March last, who informs us that only about 500 troops were sent, he thinks, to Jamaica, that Britain cannot soon send any considerable force to America, as no preparation of that sort was made nor on foot when he left Ireland, but the prevailing opinion rather that no more troops wou'd be sent to the Continent of America this Season. That a great Majority of the Irish were in love with the American Cause and much opposed to the late Speeches of the King. That the publick Orders of Fasts and Prayers for his Majesties Arms were highly contemned by the first Gentlemen in Town and Country as farcical and hypocritical.⁵

369A. MERIWETHER SMITH TO THE GOVERNOR OF VIRGINIA
(THOMAS JEFFERSON).¹

PHILADELPHIA June 25th 1779.

Sir,

. . . . I am requested by my Colleagues to transmit to you the Answer of the Minister Plenipotentiary of France to your Letter enclosing the resolves of the Genl. Assembly of Virginia, ratifying the Treaties of Alliance and Commerce entered into with that Court, which you will accordingly receive in the enclosed Letter.² I shall consider these Resolves of the Genl. Assembly as a Testimony of their Approbation of my Conduct, in opposing all those Measures which I conceived were calculated to destroy the Alliance; and altho' they are made very seasonably, and, I doubt not, will have a very good Effect, I cannot avoid telling you that I think it is necessary to be attentive to the Disposition of the *People* and to observe whether their Conduct be conformable to the Spirit of those Resolutions: For, be assured, the M——r of F——e bears much more the Conse-

⁵ In the *Maryland Journal and Baltimore Advertiser* of July 6 appeared the following item under a Philadelphia heading:

"July 1. By Capt. Wilson, who arrived here yesterday, in fourteen days from the Havana, we are informed, that Spain had on the 11th of April last, acknowledged the Independence of the United States of America.

"A Gentleman of character is just arrived here, by way of the west Indies, from Ireland, who left that Kingdom in March last. He assures us, that the land forces in Ireland did not amount to six thousand men, and that none could be spared from Britain. . . . We also learn, that a military association of gentlemen, merchants, and substantial yeomen had been formed in almost every county, for the defence of the Kingdom, clothed in uniform, and armed at their own cost, and their officers chosen by the privates. Men of the first fortunes ranged themselves in the ranks and appeared to exercise on training days, which were frequent; particularly Mr. Connolly, the first Commoner in Ireland. The associators of the province of Ulster alone amount to 15000. Government was very jealous of this body, and had directed the Lord Lieutenant (Earl of Buckinghamshire) to suppress it, but he had declined the arduous task. The known bias of the associators, in favour of the American Cause, made the King's Ministers very uneasy. The effects of the war were very severely felt in Ireland by the merchants, manufacturers and lower people."

[369A]¹ Library of Congress, Jefferson Papers.

² See no. 366, note 4, *ante*. Smith wrote to Jefferson June 24, introducing M. de Francy, and, besides commending de Francy highly, remarked, "Mr. de Beaumarchais, for whom he is Agent in these States, as well as Mr. de Francy himself, has been peculiarly unfortunate in being considered and treated as a mere adventurer, in all his transactions with these States" (*ibid.*).

quences of Sedition, than the Success of B——h Arms in America. The Establishing *Committees* throughout these States is by no Means considered in a favourable Point of View. It carries along with it the Appearance of a Design to place the Government again in the Hands of the People the better to conduct them to some favorite Object. I shall only remark, upon this Occasion, that *Committees* were formed for bringing about the Independence of these States, and may be very instrumental in establishing an *Alliance* with Britain. If I may be permitted to reason from the *Effect* of their Measures *here*, I will not hesitate to declare that the Object they have in View is not that which is assigned for the *Cause*.³

I am not informed whether I am continued in the Delegation for the ensuing Year. If I am, there are some Matters of Importance which I wish to see finally settled in Congress, before I return to Virginia; when they are concluded, the Situation of my Family and private Affairs will demand my particular Attention. Yet I would not wish to withdraw myself intirely from the Service of my Country in these Times, as I flatter myself I can in some other Respects render it essential Services.⁴ With this Persuasion I am induced both by Duty and Inclination, to acquaint you that I will chearfully undertake any Negotiations which the Exigency of the State may make it necessary for you to attempt in Europe.

I am, Sir, with much Esteem

Your most obedient and hble. Servant

MERIWETHER SMITH.

P. S.⁵

370. JOHN FELL, DIARY.¹

[June 25, 26, 1779.]

Friday June 25th. Com'l Committee Congress. After the dispatches, the Order of the Day on finance, chiefly relating to the mode of the Certifi-

³ See no. 366, note 3, *ante*, and nos. 398, 447, *post*.

⁴ Smith was re-elected June 18. On July 6 he wrote to Jefferson:

"I wrote you on the 24th of June by Mr. de Francy; since which I have recd. Advice that I am continued in the Delegation to Congress: But the Terms are such as are very injurious to my personal Interest and Honor; and I am not certain that I shall accept of the Appointment on such Terms.

"It is notorious that I have been concerned in Trade for upwards of Ten Years; and I could easily demonstrate that very few Men in a public Character in Virga. have made so great a Sacrifice of Interest as I have done since the Commencement of the present Troubles. I have not however been engaged in the Business of *Speculation*, as it is called. . . .

"I wish that direct Measures only had been taken to remove me from Congress and that no Option had been left to me. It would then have been necessary for me only to evince to my Country the Rectitude of my Conduct whilst in the Service of it. But my Enemies, not content with attempting to displace me by a direct Vote, have availed themselves of a circumstance to procure a Law which either removes me from Office or deprives me of a considerable Means of Subsistance."

There are other remarks upon his situation, then he expresses a wish to go to Virginia before the end of his delegation to consult his friends concerning the measures to be taken. Cf. Cyrus Griffin's remarks concerning the election (no. 466, note 2, *post*). Richard Henry Lee, in a letter to William Whipple Aug. 8 (*Letters*, ed. Ballagh, II. 106), chuckles over the "oath anti-commercial" thrust at Smith. Cf. his letter to Laurens Aug. 7 (*ibid.*, p. 100), and no. 488, note 7, *post*. The settlement of Smith's account for attendance (see no. 571, note 2, *post*) shows that he made an effort to disengage himself from trade in order to qualify himself for appointment to Congress.

⁵ Smith requests Jefferson's sentiments respecting the currency and his opinion of the proper methods of redemption.

[370]¹ Library of Congress, Journals and Diaries.

cates for the New Loan, the Treasury report to have them Paid to the holder, his Heirs Executors and administrators to Prevent their being Negotiated. long debated, nothing done. Exceeding hott, in the Evening Thunder, Lightening and hard Rain.

Saturday June 26. Com'l Committee Congress. This day spent in Reading Letters, Petitions, Memorials and Reports from the Treasury Board and Board of Warr etc.

371. THE BOARD OF TREASURY TO WILLIAM PHILLIPS.¹

TREASURY BOARD, PHILADELPHIA.

June 28th 1779.

Sir,

A Committee of Congress have examined the objections offered by you against the Commissary's Accounts for supplying the Troops of the Convention, in the months of March, April, May, June, July and August 1778. Their report with the several accounts and the correspondence between Major General Heath and yourself are referred to our Board with power to take effectual means for closing the accounts, and obtaining payment.²

The Board have accordingly considered the accounts, objections and report of the Committee of Congress, and are fully satisfied that the several articles are just, and ought to be paid. We have therefore authorised Mr. Milligan a Commissioner of accounts at the Treasury, to call upon you for payment. When you consider the inconveniencies Congress have suffered by being deprived of so large a sum as Eighty five thousand, five hundred and seventy eight pounds 4/8 st'g ever since the month of August last, besides the debt which has since accrued for supplies to your Troops: when you further observe that we are obliged to provide for the support of the American prisoners of War principally in specie; we are persuaded you will put it in Mr. Milligan's power to execute the Trust reposed in him with dispatch, and that he will be furnished with the money without further Objections or delay.

Mr. Milligan is fully authorised to settle all further accounts of supplies for the Convention Troops, and to confer with you on the subject.

I have the honor to be etc.

JAS. DUANE. C[hairman?]

In the name of the Board of Treasury.

Major General Phillips.

372. JOHN FELL, DIARY.¹

[June 28, 29, 1779.]

Monday June 28th Commercial Committee Congress. This day spent in Reading Letters, Reports from Committees etc. President Sick.

[371]¹ Royal Inst., XII. 79 (copy); Hist. MSS. Comm., *Report on MSS. in the Royal Inst.*, I. 463.

² See the *Journals*, June 7. Heath's letter of Sept. 10, 1778, there mentioned was referred, Sept. 21, to Gerry, Duer, and Harvie, and a letter from Heath, Sept. 21, transmitting his correspondence with General Phillips respecting the settlement of accounts for supplies furnished the convention troops was referred, Sept. 30, to Gerry, Duer, and Meriwether Smith. One of these committees, probably the first, made a report Oct. 16, but the report does not deal directly with the question of accounts.

[372]¹ Library of Congress, Journals and Diaries.

June 29th. Com'l Committee Congress. Severall dispatches and Reports from Committe[e]s, a Question Put by the Secretary whether Col. Ethan Allen should be supply'd with Copys of Papers relating to him etc. debate on the Propriety of granting them. (Agreed he should[]) P M. Marine committee. Orderd a Brig to be Built.

373. THE PRESIDENT OF CONGRESS TO THE SEVERAL STATES.¹

To His Excellency Meshech Weare Esqr.

PHILADELPHIA 29th June 1779.

Sir,

Your Excellency will receive herewith enclosed a Copy of an Extract of a Letter from General Washington to Congress of the 11th Inst., and of an Act of Congress, which it gave rise to, of the 28th. By the latter you will perceive that Congress have again thought it requisite to call on the several States to fill up their Battalions by the most speedy and vigorous Efforts.

The necessity of this measure is too evident to need any Arguments to press Your Excellency's attention to an Object of such moment to the Freedom and Independence of these States.

Your Excellency will perceive the expediency of keeping the Letter from the General as secret as the nature of the case will admit.²

N B The same verbatim to the executive authorities of all the States except New Jersey and Pennsylvania.³

374. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA June 29, 1779.

Sir

We had the Pleasure of your Excellency's letter of the 21st Instant by yesterday's Post. We have not failed in the most pressing Manner to urge for a Determination upon Our Application; but the Flood of Business at the Treasury Board has hitherto delayed a report; We expect one in, to-day, and shall avail ourselves of the first Opportunity to obtain a Determination of Congress thereon.² Mr. Ellery has waited some time, in Hopes of the Business being concluded; he will wait a few Days longer in hopes of carrying a sum of money with him. But the very great expense

[373]¹ Library of Congress, President's Letter-Book, p. 139; *id.* to Maryland, Md. Hist. Soc., Red Book, VIII. 100.

² See the *Journals*, June 16, 28. Washington's letter of June 11 is in *Writings* (ed. Sparks), VI. 272, (ed. Ford), VII. 470 (in part).

³ The letter to New Jersey (Letter-Book, p. 137) and that to Pennsylvania (*ibid.*, p. 138; *Pa. Arch.*, first ser., VII. 522) contain substantially the same message as that above, with additional reference to measures of June 28 pertaining to those states respectively. Concerning the paper from Mr. Holker, transmitted to President Reed, see *ibid.*, pp. 531, 532.

[374]¹ R. I. Arch., Letters to the Governors, 1778-1779, p. 119; Staples, *R. I. in Cont. Cong.*, p. 243.

² See no. 375, *post*.

the State is at, in the Support of their Delegates he apprehends will not justify his tarrying much longer the Necessity of his being at Home and the Circumstances of his Family pressing for his Return. . . .

Your Excellency's most obedt. and very humble Servants,

WILLIAM ELLERY

HENRY MARCHANT.

375. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA June 29th 1779

Sir,

Since our former Letter of this Day, somewhat beyond our Expectations, Congress have Determined upon the Report of the Treasury upon Our Application for Money; and have ordered Three hundred Thousand Dollars to be advanced the Delegates of the State of Rhode-Island, upon Their Application the State to be Accountable. However great and pressing Our Wants may be this Grant is as large as could be expected considering the pressing Demand upon the Contl. Treasury and the Determination of Congress if possible to stop further Emissions.² The allowance for the Black Regiment raised by our State is not yet adjusted. Nor have we greatly urged it at present—As the States at the Southward have not yet complied with the Recommendation of Congress in raising Regiments of Blacks.³ It will be well that we should be furnished with the Amount of what that Regiment actually cost the State, that if we should not be able to obtain the Sum lately allowed by Congress for raising like Regiments to the Southward, we may at least obtain the Sum that Regiment in Fact cost the State. The abstract of the Account first sent forward, and lodged in the Treasury of the State agt. the United States, has been mislaid. We should be glad Mr. Mumford might be instructed to make a Copy; it being but a few Sheets, and send it forward as soon as may be.

As Mr. Ellery proposes to set out in a few Days he will be able to explain more fully the Reasons why we could not at this Time obtain a further Grant. Perhaps, at some, not distant, Period, if the Taxes should come in with Spirit, and it would be agreeable to the State to take an order on the Receiver, it may be obtained, at least for near the Ballance of our Account.

We are Yr. Excellency's

most obedt., humble serts.

H'Y MARCHANT.

WILLIAM ELLERY.

[375]¹ R. I. Arch., Letters to the Governors, 1778-1779, p. 119; Staples, *R. I. in Cont. Cong.*, p. 244.

² See the *Journals*, June 29; cf. no. 374, *ante*.

³ See the *Journals*, Mar. 29, Apr. 3; also no. 168, *ante*.

376. JAMES LOVELL TO HORATIO GATES.¹

29th June 1779

Dear General

I cannot more than acknowledge the Receipt of your Fav'r. of the 21st and promise attention to yr. Recommendations. The Dispatches referred to came duely and are referred to the Board of War. I sent them to Mr. Laurens, who was ill at home. I was not in Congress at the Reading but will see them at the Board of War.²

Adieu

Yr. devoted Friend

JAMES LOVELL

377. THE MARYLAND DELEGATES TO THE GOVERNOR OF MARYLAND
(THOMAS JOHNSON, JR.).¹

PHILADEL'A June 29th, 1779.

Sir

Your Excellencys Letters of the 18th and one from Capt. Nicholson we have had the Honor of receiving.² The Circumstances of Capt. Nicholsons Captivity was not new to us, but the answer from the Marine Com'ttee as represented by Capt. Nicholson is altogether so. As the members of this Com'ttee and every other indeed, are frequently changing, it is impossible to know with certainty what *verbal* answer was given to Capt. Nicholson, by the Marine Com'ttee on the report of the Navy Board; but from the Minutes of the Com'ttee we are inclined to think he is mistaken in the representations he has made to you. What an individual of the Com'ttee uninformed upon the subject might have said to the Captain is impossible to ascertain; but the Com'ttee as a Com'ttee could not give him the answer which he says they did; for no third Witness is requisite by the established mode of trial on a Court of inquiry. and therefore it is unreasonable to suppose the Com'ttee could inform the Capt. that it was requisite. There must therefore be some mistake in this matter which you will readily perceive by reading the enclosed resolves of the Com'ttee, in which they approve of the report of the Navy Board and speake of him as a spirited and good officer.³ We are not unacquainted with the Merit of this officer, and as soon as a Ship offers we shall use our endeavours to provide for him, but at present we have a greater number of Cpts. than Ships, and of Course it is out of the power of Congress or the Marine Com'ttee to employ the whole of them.

[376]¹ N. Y. Hist. Soc., Gates Papers, XV.

² Gates's letter of June 21, with enclosures, was read in Congress June 28. Laurens also wrote to Gates June 29, discussing in particular the conflicting reports from South Carolina. He remarks, "I was the only Man in Congress who had not given up all belief of the Conquest of Saratoga when the Conqueror's regular advices arrived at York Town" (*ibid.*).

[377]¹ Md. Hist. Soc., Red Book, V. 23; *Arch. of Md.*, XXI. 463.

² The letter of June 18 to the delegates is in *Arch. of Md.*, XXI. 459; the letter from Capt. John Nicholson has not been found.

³ An extract from the minutes of the marine committee, Nov. 13, 1778, is *ibid.*, p. 464. See the *Journals*, July 13, 1778.

Your Letter respecting the powder and Canon we have laid before the Board of War. They had a few Days before the receipt of it sent a person for both these Articles. He must have been with you before this Time. If he has not, we request you would not dispose of the powder as it is much wanted by the continent.

Congress has had no Confirmation of the various reports respecting our Southern Success. In a letter from Charles Town from a Gentleman of rank and abilities, as late as the 19th of May, no mention is made of any action. The Enemy did no more than appear before the Town and return again. They are at present in the Neighbourhood of John and James Islands.⁴

We are Sir with the highest respect and Esteem
your Excellencys obt. and hble. Servts.

J. HENRY

DAN OF ST. THOS. JENIFER.

378. JOHN FELL, DIARY.¹

June 30 [1779.] Com'l Committee Congress. After the Letters and reports from Committees the Order of the day on finance was taken up and some Resolves relating to the Loan for 20 Million of Doll's agreed to and ordered to be Printed.

379. SAMUEL HOLTEN, DIARY.¹

[June 30, 1779.]

30. The President of Congress is indisposed and has not attended Congress this two days.

380. HENRY LAURENS, NOTES.¹

IN CONGRESS the 1st July, '79.

Mr. Drayton who had repeatedly in the month of March and later, on several days when the Fishery was under debate averred that these States had no right to the Fisheries of North America which they had enjoyed only as subjects to Great Britain and had forfeited by withdrawing their allegiance, who had upon all occasions refused to make the Fishery an Ultimatum, who would not consent even to an article of Instruction to our Minister by no means to give up the right, unless it should

⁴ In a letter to Governor Johnson June 30 (*Arch. of Md.*, XXI, 465) Jenifer mentions that the letter of May 19 from Charles Town was to William Henry Drayton. He adds:

"In a New York Paper of the 19th Inst. is a Deposition of a Capt. McAlpine that left Tybee (Georgia) the 5th of this month and also a Letter to Sir George Collier from a Capt. of a Man of War in Savannah both of which contain intelligence of a serious nature and altho' I do not believe the Situation of the Enemy to be so promising as to put them immediately into Possession of Charles Town which they expect, or that Governor Rutledge had offered to Capitulate on Condition that South Carolina should remain Neuter during the War which they also assert, Yet I fear Lincoln is not in force sufficient to risk a battle." Cf. nos. 350, 353, 363, *ante*, and nos. 383, 391, 392, 395, 408, *post*.

[378]¹ Library of Congress, Journals and Diaries.

[379]¹ *Essex Inst. Hist. Colls.*, LVI. 24.

[380]¹ S. C. Hist. Soc., Laurens Papers, XV.

be clogged with a dangerous and disgraceful proviso, (see proceedings of Congress in March and thence forward) who had declared that the enjoyment of the Fisheries could be beneficial only to three or at most four of the States, and that it never had been and never could be an object of advantage to So. Carolina, who had combined with the North Carolina Delegates and their junto in an attempt to force my Vote (see Letters on that occasion),² Contrary to my judgment—did on this day with an amazing assurance declare that he had never denied the right of America to the said Fisheries, that he had always maintained that right, that he should leave in Congress such a testimony of his sentiments on that head as would do him justice and then produce[d] a paper and read part of a paper containing propositions respecting the Fisheries, according to his Ideas, which he immediately returned to his Pocket. I believe very few members enjoyed more than the sound of his voice. I did not, therefore I cannot determine whether his propositions were good or bad.

Mr Burke's Amendments.³

I called for a division [on] the word "explanatory" first. Mr. Gerry called for Y's and N's. Mr. Drayton said the question should be on the whole amendment. I replied it was losing time besides an improper attempt to debate on my right to divide a question but in the present case there was reason for dividing, some Gentlemen might be for one part of the proposed amendment and reject the other part. Some Gent. asked if we were to have Y's and N's upon a division of every word. Mr. Drayton answered yes upon every word Mr. Laurens has called for the division and the Yeas and Nays. this was unmannerly and false. I replied the Honble. Gentlem. durst not call my Name in such terms out of doors. Calling a members name is accounted an indecency, but I had neither desired a question on every word nor had I called for Y's and N's.

[Endorsed:] Mr Draytons conduct 2 July 1779, respecting qu. on the Fishery.⁴

381. JOHN FELL, DIARY.¹

Thursday July 1st 1779. Com'l Committee. Congress. A number of Letters Read, and one from Major Genl. Green Quarter Master-General

² See especially nos. 177, 178, 181, 184-187, 195-197, *ante*; cf. nos. 152, 255, 269, 307, 360, 366, 369, *ante*, 401 (note 2), 404, 406, 407, 418, 438, 439, 445, *post*.

³ According to the *Journals*, July 1 (pp. 790-793), it was Burke who called for the yeas and nays on the word "explanatory". Gerry called for the yeas and nays on the whole proposition. This discussion was upon the second of Gerry's propositions offered June 19. His third proposition was then taken up, when an amendment was offered by Burke and Drayton. A copy of this amendment, in Drayton's writing, is in Papers Cont. Cong., Miscellaneous, preceded by the phrase, "Amendment by Mr. Burke and Mr. Drayton to the third Proposition of Mr. Gerry", and followed by the statement, "This amendment being offered the debate upon the whole subject was intermitted from that to this". Possibly Drayton meant to write "from that day to this". The amendment was taken into consideration July 17 and postponed, and it was not again brought under consideration, although Gerry made an effort July 31 to have his third proposition again taken up. See also the *Journals*, July 22, 24, 29. Cf. no. 438, note 2, *post*.

⁴ The date given in the endorsement is evidently an error.

[381]¹ Library of Congress, Journals and Diaries.

of a very insolant nature indeed highly Reflecting on the Legislature for having Taxed two of his assistanc [*sic*] Coll. Cox and Coll. Petit, and thretening to Resign etc. After speaking on the subject, and to treat it as I thought it deserv'd, I moved to have it lie on the Table, but that motion was over ruled and it was Committed to McKean Duane and Burk.² after the order of the Day Debates on the Fishery etc. Marine Committee.

Friday July 2d C. Committee Congress. Sundry Letters. Petitions etc. were read Order of the Day on finance agreed to sundry Resolves relating to the extending the time for Receiving the Emissions of April and May call'd out of circulation

382. HENRY LAURENS, NOTES.¹

IN CONGRESS 2d July '79.

A Letter from a french Officer John ———² in bombast terms on the glorious anniversary of American Independence and praying Congress to employ him to exhibit certain grand fire works on the 5th Inst. which he had *prepared* for the purpose.

Mr. Drayton rose and in a funny declamation informed the House that it had been the practice of all nations ancient and modern to celebrate particular days by festivity, that Greece had instituted the Olympic Games, these things he repeated again and again without [end?]³ and Concluded by hoping the man would be ordered to exhibit his fire works.

Mr. Laurens, rose, expressed his astonishment at the Conduct of his Honorable Colleague, who seemed to be altogether joyous at a time when he thought he was loudly called on to serious reflection. does not the Gentleman know that his own Country is bleeding at every vein and now probably reduced to the greatest distress? has not the Gentleman recently received a Letter informing him that all the Rich Planters in the Southermost parts of his Country are ruined? did we not yesterday receive a very alarming Letter from the Quarter Master General? have we forgot the alarming Letter from Gen Gates read at that Table two or three days ago? has not the Commander in Chief frequently informed us of the precarious state of existence in which our Army has for some time been? have we not held out to our Constituents that we were endeavoring to appreciate our Currency by lessening the quantity in Circulation? is not every unnecessary expenditure the cause of increased emissions? is

² A letter from Cox and Pettit on the same subject was read in Congress July 8 (see no. 393, *post*). An undated report from the committee to whom the three letters were referred is found in the *Journals* under July 8, and another under Aug. 6. See also *ibid.*, June 28, July 9, Oct. 22.

[382]¹ S. C. Hist. Soc., Laurens Papers, XV.

² The name is Jean Laugeay. See the *Journals*, XIV. 793 n. The memorial is not in Laugeay's writing but is signed by him. A subsequent memorial, July 23 (see *ibid.*, p. 882 n.), in the same hand, sets forth that "on the evening of the day appointed for celebrating the late Anniversary of the Freedom and Independence of the United States" he had exhibited a large collection of fire works, and prays Congress for a reimbursement of his expenses, or such sum as to them may seem proper. Secretary Thomson has endorsed the memorial, "read the same day". See no. 390, note 3, *post*.

³ So in the manuscript; apparently some word or words inadvertently omitted.

this the Honble. Gentlemen mode for appreciating our paper Money by adding expence to expence unnecessarily?

If the Honble. Gentleman will shew me that the United States of Holland when they were in our circumstances, and I believe they never were less able to bear expence than we are, or the Cantons of Switzerland, plunged into expensive feasts for celebrating the anniversary of their Independence, I might be brought to agree with him, but I believe he cannot produce any such Instances from their histories. their prudence, their economy secured their Independence and their present happy establishment.

The Olympic Games of Greece and other fooleries brought on the desolation of Greece. my Colleague may think this a day for joy and mirth. I am of a different opinion I rather think it a time for fasting and mourning. I speak seriously and I hope I speak properly. I move the Letter may lie on the Table and no further notice be taken of it. this was loudly seconded.

Mr. Drayton replied, ["I would have Gentlemen when they talk of history discover that they knew something about it. the Olympic Games were not instituted for the celebration of anniversaries nor did they bring on the ruin of Greece they were calculated for improving bodily strength, to make men athletic and robust." * here he was called to order by several members and to sit him down the Order of the day was called for and the Paper ordered to lie on the Table and generally exploded.

* is drinking Madeira Wine from 5 to 9 o'clock, then sallying out to gaze at fire works, and afterwards returning to Wine again, calculated to make men athletic and robust? why then introduce the Olympic Games as an example for fire works.

I might have added to my questions, ought that Gentleman to consent to any unnecessary expence which may add weight to the already intolerable burthen of Taxes laid on his Constituents? but in my zeal it escaped me.

[Endorsed:] Mr. Drayton on Fire works and Olympic Games.
State of rebel Army in 1779
July 2.

383. SAMUEL HUNTINGTON TO JEREMIAH WADSWORTH.¹

PHILADELPHIA 3d July 1779

Sir

Agreeable to your request of the 12th ulto. I have inclos'd the Copy you desired

I am not insensible of the many difficulties to be met with in your department and on the other hand you are not unacquainted with the general uneasiness that hath arisen in the Country from the two great departments purchasing on Commission. I have the fullest confidence you will do every thing in your power for the good of the Service.

[383]¹ Conn. Hist. Soc., Jeremiah Wadsworth Papers.

In the present situation of our affairs it seems absolutely necessary to make some new regulations in those departments for the better if possible, but in this Stage of the Campaign it is exceeding difficult if not dangerous to make alterations, at least nothing may be done suddenly.

The exorbitant price demanded for the necessary Supplies for the Army greatly Embarrass Congress as well as your department and the Quartermasters but they must all be surmounted

I hope some measures may yet be adopted that will lower the price and lessen the demands, the several States might exert themselves for that purpose.²

The various Accounts we have had from the Southerd prove at length to be misrepresentations.³

384. WILLIAM WHIPPLE TO JOSIAH BARTLETT.¹

PHILADELPHIA 3d July 1779

My Dear Sir

. . . . The solicitations of my Present Colleague and some other circumstances induce me to tarry sometime longer then I some time ago intended. I shall give notice three or four weeks before I take my departure in order that my place may be filled, unless my constituents sho'd think proper to send Mr. Langdon forward before I give that notice.

I have communicated to Mr. Martin who is the Barer of this some reasons for my continuance which he will make known to you.

385. HENRY LAURENS, NOTES OF PROCEEDINGS.¹

3d July 1779

Mr. Gerry said he spoke to priviledge, and stopt the reading of Public Dispatches. Complained of an insult offered to Congress by a Publication in Dunlap's Paper of this day, introduced under the Signature Leonidas,² "If such infamous Publications are to pass without proper

² See no. 303, note 3, *ante*. Cf. nos. 655, 664, 680, 681, *post*.

³ There follows a brief account of the latest news, more explicitly related in the letter to Wolcott July 7 (no. 391, *post*).

[384]¹ Dartmouth College Lib., Bartlett Corr., vol. II.

[385]¹ S. C. Hist. Soc., Laurens Papers, XXVII. (in the writing of Moses Young).

² Cf. no. 386, *post*. The publication referred to carried the following introduction: "For the PENNSYLVANIA PACKET.

"Mr. DUNLAP,

"I recollect to have read sometime ago a SPEECH in the Packet which *ought* to be spoken in Congress, upon the subject of Continental money—I beg you would give the following SPEECH which *ought* to be spoken to the Congress upon the same subject a place in your useful paper, and you will oblige

"Yours

"LEONIDAS

"June 27"

The speech is long, and a few extracts must suffice to indicate its character. The speaker first emphasizes the fact that the people are the masters, Congress their servants, and that he, as one of the people therefore assumes to speak boldly.

"I perceive", he says, "by your late publication, that you are no strangers to the low value of your money. But why have you delayed so long to complain of this evil to your constituents? Why has the disease been suffered to run on to its last stage before you raised the cry of danger in the ears of your country? It is vain to blame the arts

notice 'tis time for Congress to go home and other men come in their stead. I am sure I will not stay etc. etc. etc. etc. half an hour. Moved that Mr. Dunlap be directed to attend the Bar of this House to answer such questions as shall be proposed", etc.

Mr. Laurens, "I second the motion *for reasons to be hereafter made known*"

Mr. Merriweather Smith opposed the motion. "he had read the Paper and had it now in his hand, thought it contained several good things; then read and commented on several parts and finished his harangue with this peroration. When the liberty of the Press shall be restrained, take my word for it, the liberties of the People will be at an end."

Mr. Burke—opposed the motion. "it would be lowering and disgracing the dignity of Congress to take any notice of the Printer or Author. what shall we get by the enquiry?" etc. etc. etc.

Mr. Penn—opposed the motion. "The Writer he made no doubt had *good designs*. The liberty of the Press ought not to be restrained. Gentlemen talk of imprisoning the Printer or the Author. I will undertake to say, if you have power, which I doubt, and were to imprison them for six Months, they would come out greater Men than they went in. What was it made Wilkes so great and popular a Man, but the imprisonment he suffered" etc., etc., etc.

See the affair of Rivingtons Publication.³

Compare the conduct of these Gentlemen in that case with their speeches and declarations in the present instance. the purity of their motives and principles will be displayed. from the same polluted source flow all their actions. when Men seem to be honest, they calculate for the accomplishment of interested or wicked purposes. when they speak truth, it is in order to deceive.

Mr. Laurens' reason for seconding the Motion was to discover what part those three Worthies would act, who had so eagerly attempted to

of your enemies, or the infamous practices of monopolizers and forestallers. The present depreciated state of your money must be traced only to the mistakes of Congress."

He then makes numerous specific criticisms, one of them being a severe attack upon their conduct of the staff departments. "I believe", he adds, "your hands are perfectly clean. Nay, I will go further and add that your sacrifices of private interest and domestic happiness intitle you to the highest praise of your country, but if we are to judge of your characters by your conduct towards some public culprits, who have been charged with the grossest frauds, we should have reason to suspect that you were paid for your lenity, by drawing a share with them in the plunder of your country."

He does not stop, however, with negative criticisms, but offers remedies for all the evils complained of. Among his recommendations are, to stop the press and to speed loans, both foreign and domestic. In conclusion he beseeches Congress:

"Rouse then, Gentlemen, to a sense of the danger of these infant States that are committed to your care. Let us read something more than the 'Yeas' and 'Nays', and questions for recommitting and postponing business in your journals. Your money—your money—demands every thought and every hour. You have more to dread from this quarter than you have from all the Britons, Hessians, New Levies, Refugees, Indians and Negroes that are now in arms against you. I conjure you therefore immediately to bind yourselves to each other by an oath, not to eat, drink or sleep till you have arrested your money in its progress towards destruction, and fixed it upon a permanent foundation."

Concerning the allusion in the beginning to "the speech that ought to be spoken in Congress", see no. 162, note 3, *ante*.

³ The allusion is to the publication of Laurens's letter of Aug. 27, 1778, to Governor Houstoun. See no. 274, *ante*.

persecuted [*sic*] him for a Publication by the Enemy at New York, to which his name was subscribed, and who were now so very silent when a complaint was made of gross affronts to Congress by one of their own Printers. until he had seconded the Motion which was not hastily done, they sat mute.

[Endorsed:]

Leonidas and Co. in Congress 3d July 1779.

386. JOHN FELL, DIARY.¹

Saturday July 3d. 1779. Com'l Committee Congress. Letters Memorials, Reports from the Treasury Board etc. This days Paper was read wherein a Letter sign'd Leonidas was introduced, and a motion made by Mr. Gerry to send for the Printer, to know the Author, long debate and the Privious question being call'd for and carried in the Affirmative, the Motion drop'd.²

Sunday 4th July this being the Annaversaire of Our Indipendence, the Chaplains of Congress were orderd to Prepare Sermons suitable for the Ocasion³

387. SAMUEL HOLTEN, DIARY.¹

[July 4, 5, 1779.]

4. Sabbath day. The anniversary of the independence of America. I attended public worship at Christ Church. Mr. White preached from Romans, "Let every soul be subject unto the higher powers". At 12 o'Clock, attended at the Roman Catho. church, by invitation from the minister to sing *Te Deum* on the occasion.² In the afternoon I attended meeting at Doctr. Duffield's.³

5. Congress adjourned at 12 o'clock and attended an oration, and at 4 o'clock dined at the city tavern with a number of other Gentlemen of the first character.⁴

388. THE PRESIDENT OF CONGRESS (JOHN JAY) TO COLONELS JOHN COX AND CHARLES PETTIT.¹

PHILADELPHIA 5th July 1779.

Gentlemen

Your Favor of the 3rd Inst. was this moment delivered to me, and shall without delay be communicated to Congress. The object it respects merits immediate attention and your Remarks on the means of obtaining it appear to me judicious.² . . .

[386]¹ Library of Congress, Journals and Diaries.

² See no. 385, *ante*.

³ Cf. no. 387, *post*.

[387]¹ *Essex Inst. Hist. Colls.*, LVI. 25.

² Richard Peters wrote to General Gates July 3: "We are to have *Te Deum* at the Chappel tomorrow by order of Monsr. le Ministre. No Windows will be broke on Monday tho' Congress give a grand Repast Because we cant afford to fire cannon" (N. Y. Hist. Soc., Gates Papers, XV.).

³ Rev. William White and Rev. George Duffield were chaplains to Congress.

⁴ Cf. nos. 389, 390, *post*.

[388]¹ Library of Congress, President's Letter-Book, p. 141.

² See the *Journals*, July 6, 8, 9.

389. HENRY LAURENS TO WILLIAM LIVINGSTON.¹

5 July 1779

Dear Sir

For weeks past that troublesome Monitor Conscience has been haunting me "You forget Gov. Livingston again you forget yr late penitential epistle" No—I forget neither—do'nt seize me I'll write as soon as I have somewhat to say — would you have me pester the Governor merely to tell him what he knows very well, that I am with the highest esteem and respect His Excellency's obliged and obedient Servant? "Well go on your own way Sir but depend upon it you'll soon receive another rap o' the knuckles." partly from this menace and partly from a higher consideration I have taken up the pen. But what shall I say? Shall I tell you Sir that congress had the honor yesterday of assisting at Te Deum in the Romish Chapel and that I saw there the only woman—what was I going to add? I forget—Those are infirmities of old age to peep thro' spectacles at pretty women in church and to forget them the next minute. Shall I say that I mean to dine at home today at my own expense because I hold it an exceeding bad means of appreciating our paper money to give eight or ten thousand dollars for a dinner, and because I think my Constituents are already sufficiently taxed and also because the Anniversary of American Independance had been Properly celebrated on the true day by decent attendance morning and evening at Worship and occasional Sermons; to say nothing of Te Deum and Music²—Shall I speak of the distresses or deliverance of my native country I have no certain account of either this must be the subject of another day: I will confine myself therefore to Finances and beg leave to submit to your Excellency's perusal copy of a letter which I transmitted about a fortnight ago to a friend in a neighboring state. The low ebb to which our money is reduced, the notoriously tottering state of our army are alarming circumstances and cry aloud upon the existing United States for their utmost exertions in aid of the measures adopted or to be adopted by their Representatives in Philadelphia or for Dictating wiser measures. Upon a serious and full review of our public affairs I am led to beleive that the call of a grand council composed of men renowned for Integrity and Abilities from each state assisted by the Commander-in-Chief and a few selected General Officers to take under their consideration the state of the nation to sit either in or out of Congress (in the latter case to call upon Congress for every necessary information) would have a happy effect; these Committees which we see rising every day are Epitomes of the work I have in mind, but however good their views and intentions may be their Authority is usurped and may become dangerous to the safety of the People: Gentlemen who should be sent from the several states for forming this Council would acquire a knowledge of many important circumstances of which the states are now profoundly ignorant, from their representations wholesome coincident Laws would

[389]¹ S. C. Hist. Soc., Laurens Letter-Book, 1777-1783.² Cf. no. 387, *ante*, and no. 390, *post*.

be enacted in each state, without which it will be impossible for Congress to proceed in the discharge of public business.³

Your Excellency may ask why do not Congress intimate to the States the necessity for passing such laws? Sometimes it has been done and their recommendations almost totally neglected—or if the laws were enacted Congress remain without information—besides to use facetious Sterne's exclamation "Lord Thou knowest whereof we are made".⁴ The business of this Council might be begun and ended within two or at most three months, years and millions of money I apprehend would be saved by it. If this Sketch for reformation shall not meet Your Excellency's judgement, order us out of this sink of idleness and dissipation or order our doors to be opened that our Masters may discover what we leave undone. It is not expedient to say here every word which I might in private conversation but this I must say that our public affairs appear to me to be in circumstances truly deplorable and that much very much blame will light on some of the states whenever the day of reckoning shall come, and it will soon come unless some fortunate interposition from the chapter of accidents shall stave it off. Or finally be pleased to give me your opinion of what ought to be done for opening a more comfortable prospect to the good People of America. I will not further trespass upon your Excellency's time but to assure you that I continue with the most sincere respect and esteem Sir etc.

H. L.

Gov Livingston.

390. JOHN FELL, DIARY.¹

[July 5, 6, 1779.]

Monday 5th. Com'l Committee Congress Adjourned at 12. O'clock to hear Mr. Brackenridges Elogium on the Heroes Slain in this Contest.²

³ Laurens gives expression to this idea again in a letter to John Adams Oct. 4 (no. 575, *post*). Cf. Wallace, *Life of Laurens*, p. 336; also the suggestion of Edward Rutledge, vol. II., no. 85. A similar thought, with respect to the contemplated negotiations with the peace commissioners in the spring of 1778, was made by Laurens in letters to Livingston, to Washington, and to Lowndes. See vol. III., nos. 223, 224, 242.

⁴ The language of the psalter (psalm 103: 14) is, "For he knoweth whereof we are made". Cf. the letter to John Adams Oct. 4, *post*.

[390]¹ Library of Congress, Journals and Diaries.

² Hugh Henry Brackenridge (1748-1816). The oration, *An Eulogium of the Brave Men who have Fallen in the Contest with Great-Britain*, was printed by Francis Bailey, a German translation by Steiner and Cist. The title-pages of these imprints carry the name as "Hugh M. Brackenridge", his middle name being Montgomery, which was later changed to Henry. See Evans, *Am. Bibl.*, vol. VI., no. 16213. A sketch of Brackenridge is in *Cyclo. Am. Biog.*, where the date of the eulogium is erroneously given as July 4, 1778. See also articles in *West. Pa. Hist. Mag.*, vol. X.

In the *Pennsylvania Packet* of July 1 is the following notice:

"June 29, 1779.

"The Public will please be informed, that on Monday, the 5th of July, the day subsequent to the Anniversary of our Independence, will be delivered in the German Presbyterian Church, by Mr. Brackenridge, *An Eulogium in honor of the brave men who have fallen in the contest*. Precisely at twelve o'clock the doors will be open for the ladies, who shall be handed to the front seats in the gallery, and such of the Members of Congress, and of the Supreme Executive Council and Assembly of the State, and of the Clergy and Magistrates, and Military Officers of the City, as shall attend, will be waited on to seats prepared for them; after which the whole audience will be admitted, and the guards who shall have been previously placed at every door

Afterwards there was an Entertainment at the City Tavern. And in the Evening Currious fire works ³

Tuesday July 6th. Commercial Committee Congress. Several Letters Read. Afterwards the Order of the Day, relating to the Fishery, after debating in the Old track till near 4 oClock Adjourned

391. SAMUEL HUNTINGTON TO OLIVER WOLCOTT.¹

PHILADELPHIA 7th July 1779

Sir

The great News of the Battle near Charles town comes to nothing at last tho' it has been related in this City by many persons some who declared they saw the engagement and others who said they were active in it.²

to admit, agreeably to the order above laid down, will prevent any ingress after the Orator shall begin to speak.

"By order of the Committee of the Constitutional Society,
"CHARLES WILSON PEALE, Chairman."

Following this is this further notice:

"The Gentleman who was appointed to deliver *The Oration on the Advantages of Independence*, from unavoidable engagements, has been prevented from preparing it; but it will be delivered some subsequent day, of which notice will be given in the paper."

³ Following is the account of the celebration of the Fourth of July as given in the *Pennsylvania Packet* of July 8:

"On Monday morning an elegant Oration was spoken to a very numerous and respectable audience, in the Dutch Calvinist Church, by Mr. Brackenridge, in honour of those patriots who have offered their lives for their country in the course of the present contest.

"The same day an entertainment was given by the honourable the Congress to the Minister Plenipotentiary of France, the President and chief Magistrates of this State, the Consul of France, several continental officers civil and military, and many strangers of distinction. The company were entertained with music, and the following toasts, introduced by thirteen volleys from Col. Nicola's regiment, were drank.

"1. The United States of America *by the grace of God* FREE and INDEPENDENT.

"2. His most Christian Majesty, THE PROTECTOR OF THE RIGHTS OF MANKIND.

"3. The Queen, Princes and Royal Family of France.

"4. His Most Catholic Majesty and the other Branches of the Royal House of Bourbon.

"5. General Washington.

"6. The allied arms of France and America.

"7. The friends and patrons of liberty throughout the world.

"8. The memories of those heroes who have nobly died in defending the rights of their country.

"9. May the ensuing campaign give new laurels to our heroes, and fresh lustre to our stars.

"10. May affection cement the union which wisdom has formed between France and America.

"11. May the cap and staff of liberty soon crest the arms of Ireland.

"12. May America never forget that virtue, valour and science are the bulwarks of her independence.

"13. Peace liberty and happiness to all mankind.

"In the evening a sett of brilliant fireworks were exhibited, particularly excellent Rockets, which, after ascending to an amazing height in the air, burst, and displayed thirteen stars.

"The whole was conducted with great order and decorum; no unfortunate accidents happened, but joy and innocent festivity pervaded all ranks of people."

The account is also found in the *Pennsylvania Gazette* of July 7.

[391]¹ Conn. Hist. Soc., Oliver Wolcott Papers, vol. I., no. 115.

² Cf. nos. 350, 353, 363, 377, *ante*, and nos. 392, 395, 408, *post*.

By a letter from Col. Laurens to his father the late President, of the 10th June we are Inform'd, that the Enemy appear'd before Charles town, and Summon'd the Town to Surrender, threatening to storm it next morning if they refus'd but on receivving for answer that they should not Surrender but were ready for them as soon as they pleas'd, the Enemy retired the same night, and when the Letter came away were Entrenched on the main near Johns Island, with their Sick and Invalids on the Island, they were said to be Sickly and in want of flour and spirits, I fear they may be suffer'd to remain in that Neighbourhood until they are reinforc'd, but some think the Climate at this Season will do the business for them.

Have Just heard the Enemy are come down the North river leaving a garrison on each side near Kingsferry fear there may be trouble some Neighbours hope Connecticut may be preserved from their ravages this Summer.

We have no late Intelligence from Europe nothing late from our Commissioners tho' expected.

The State of our finances seems the only Embarrassment in our public affairs. Congress seem determin'd to put a stop to further Emissions, and by loans and taxation for the present at least to obtain the necessary supplies. Should the several States exert themselves, I hope we may go thro' this Campaign in that way.

You will see in the papers what further Resolution is pass'd relative to loans,³ but in my Opinion the most Essential thing for giving any Stability to the Currency is to stop the press.

392. JOHN ARMSTRONG TO GEORGE WASHINGTON.¹

PHILAD'A 7th July 1779

Dear General

. . . .

[P. S.] This afternoon came Genl. Lincolns dispatches into Congress which you will soon enough see for all they contain. The best I can at present infer from them is that Charlestown is in no immediate danger—and the Worst, that the Enemy may get away if they please.²

³ See the *Journals*, June 11, 25, 29.

[392]¹ Library of Congress, Letters to Washington, XXXIII. 233.

² Samuel Holten recorded in his Diary for this day: "Maj. Rice, aide-de-camp to Gen. Lincoln, arrived with dispatches from the Genl., but brought no new material." Cf. no. 391, *ante*, and nos. 395, 408, 419, *post*. The bearer of the despatches was Maj. Nathan Rice. Concerning the payment of his expenses on this journey, see the *Journals*, July 23, Dec. 23.

The *Maryland Journal and Baltimore Advertiser* of Tuesday, July 6, contained the news from the South: "On Sunday last Major Rice, Aid de Camp to Major General Lincoln, passed thro' this Town on his way to Philadelphia, from South Carolina, having left Charlestown on the 9th Ult.," etc. A copy of this issue is in the Washington Papers.

The news from South Carolina appears to have been put forth in a handbill, for Nathaniel Peabody enclosed to President Weare July 9 two handbills which he said contained the latest news from South Carolina (Mass. Hist. Soc., C 81 A 177; Library of Congress, Force Trans., Weare, p. 177).

393. JOHN FELL, DIARY.¹

[July 7, 8, 1779.]

Wednesday 7th. Com'l Committee Congress Letters from Mr. Gerard and Mr. Holker referd to a Committee, Searle Scudder and Lewis Order of the day on finance Agreed to Commissioner[s] be appointed for the Treasury Board, and to sundry other regulations in that department.

Thursday 8th. Com'l Committee Congress Sundry Letters from Major G'l Lincoln Genl. Moultre and Govr. Rutledge. Referrd to a Committee. Letter and offer to Resign from Coll. Cox and Coll. Pettitt also Referred to a Committee.² Report for fixing sundry Prizes for the army, to be considered on Saturday

394. THE PRESIDENT OF CONGRESS (JOHN JAY) TO HORATIO GATES.¹

PHILADELPHIA 8th July 1779.

Sir,

I have had the pleasure of receiving and communicating to Congress your favor of the 23d Ult. with the several papers mentioned in it. They were immediately committed.

What Resolutions Congress may adopt relative to the Gentleman you recommend to their Notice is uncertain. His case merits attention, and I assure you it would give me pleasure to see such provision made for him as may be agreeable to your wishes and consistent with the justice due to him.²

395. JAMES LOVELL TO SAMUEL ADAMS.¹

July 8th [1779.]

Dear Sir

My Knowledge of Mr. Brewer being here was but of this day in the midst of great Engagements excessive heat and little health. Be pleased therefore to accept the News papers as the history of the rascally Conduct of some People whom you can name; and as the Register of my Chagrin on the Score of S'th Carolina.

The Enemy did not lie when they said the Council offered to surrender, the Vote was carried 5 against 3. But this ought not to be blazed; as many Circumstances alleviate the Conduct. These you will shortly know. It is certain however that the People in general there resent the Conduct; and the Assembly will on meeting make severe Scrutiny.²

[393]¹ Library of Congress, Journals and Diaries.² See no. 381, *ante*.[394]¹ Library of Congress, President's Letter-Book, p. 146; N. Y. Hist. Soc., Gates Papers, XV.² The letter of Gates referred to is probably that of June 26, respecting Capt. John Valentine Bancke. See the *Journals*, July 6, 10, 17; *cf.* nos. 404, 412, *post*.[395]¹ N. Y. Pub. Lib., Samuel Adams Papers.² *Cf.* no. 377, note 4, *ante*.

It is to be feared that the Virginia and North Carolina aids and the S^th Carolina Militia will all quit when their Times expire, which with some is now, with all the 15th of August.³

I cannot get the Maryland Paper. But Mr Laurens will have the Peice reprinted to which I refer; tis a history of you and your Clubs by which a Minority mars all important Business.⁴

396. ROGER SHERMAN TO JABEZ HUNTINGTON.¹

PHILADELPHIA July 8th 1779.

Sir.

. . . . Congress has Granted the 150,000 heretofore lent to the State to be charged to account without interest, to be applied for the recruiting Service have also Ordered 200,000 dollars out of the State Treasury for clothing our Troops.² That part of the application respecting the allowance of Continental Pay and rations to the forces raised for the defence of the State has not been reported on by the Board of Treasury. the Gentlemen of the Board seem to think it reasonable and I suppose they will report a general regulation to extend to all the States.

397. JAMES DUANE TO MRS. DUANE.¹

PHILAD. 8th July 1779

My dearest Polly

I have the pleasure to acquaint you that the Business which particularly detained me here is now drawn nearly to a Conclusion; and that the governour has promised as soon as the Legislature assembles to procure my Leave of absence. I hope therefore that in a few weeks I shall have the pleasure of being with you our children and Friends; and on such Terms that will leave me free as to my future Conduct. For surely if there is any Merit in long and faithful services I have a claim to Indulgence: and it was to inforce this claim and get the Consent of the Legislature for my Return—in no small degree—that I have waited here so long.

398. HENRY LAURENS TO ROBERT MORRIS.¹

To the Honorable Robert Morris, Esqr.

Sir,

You who have with such "great reluctance ventured to claim the attention of your fellow Citizens" should have been tender of a fellow Citizen, who, as you have had occasion to know, feels, at least, a similar unwillingness to make an appeal in a public News Paper.

³ Cf. nos. 391, 392, *ante*, and no. 408, *post*.

⁴ See no. 401, *post*.

[396]¹ Mass. Hist. Soc., Wolcott Papers, bundle 2.

² See the *Journals*, July 3.

[397]¹ N. Y. Hist. Soc., Duane Papers, I. 37.

[398]¹ S. C. Hist. Soc., Laurens Letters, vol. XVIII.

In your publication of this day,² you are pleased to hold me up in the Character of an Accuser, not indeed by name, but all the Members in Congress and every intelligent Man in Philadelphia, know to whom you allude. Men at a greater distance will be informed; various conjectures and judgements will follow, and I hold it to be not very honorable to a Gentleman to become an accuser of his Neighbor and fail in his evidence.

You knew, Sir, when you were writing your address to the Citizens of Philadelphia, and you knew it many Months before, that I had not accused you that I had only related to Congress a conversation with one of your friends which had created suspicions of your conduct in the transaction of *that business* which you say "brought against you a very serious charge of a criminal nature in Congress"³

I had uniformly renounced the Idea of being an Informer or an Accuser in a matter of which I had no other knowledge, than the bare communication which your friend had made, and I had signified to you that when I related the conversation to Congress I was not actuated by a desire to destroy your Character, that I had prepared the relation in the following terms or in terms to the same effect—"If the account which I have received be true the public ought to be informed, if it be groundless, Justice forbids that Mr. Morris should be kept in ignorance."

² Morris's communication to which Laurens refers was dated July 7 and appeared in the *Pennsylvania Packet* of July 8. He was led to make the statement to the public in consequence of some charges which the Philadelphia committee, of which William Henry was chairman, had made against him. Anticipating the statement is a note, dated July 2, "seven o'clock in the Evening", which appeared in the *Packet* of July 3. In that note Morris says that he had just received a letter from Mr. William Henry, chairman of the committee, etc., and asks the public to suspend forming any judgment in the matter until they shall have had opportunity of hearing his vindication. Following are those passages which are chiefly necessary to an understanding of Laurens's letter:

"It is with great reluctance I venture to claim the attention of my fellow citizens; nothing but necessity could urge me to it any time; but more particularly since it appeared probable that our enemies derived hope from sowing divisions amongst the Whigs of America. Under this idea I have patiently and silently seen my name held out to my country more than once, as if I had pursued a line of conduct inconsistent with the general interest, altho' I knew the insinuations to be perfectly groundless, and that it was in my power to refute them. I expected that you, my fellow-citizens, would readily discover the private reasons which produced these attacks, and until that moment should arrive, consoled myself in the consciousness of innocence and integrity. But as the frequent insertion of my name in an unfavorable light may at length make strong impressions on those who are not personally acquainted with me, I mean to give a plain narrative of such facts as relate to the charges or insinuations made against me, in as concise a manner as I am capable of.

"The first that I remember, was respecting the state of my accounts with the Continent, in answer to which I promised in a former publication either a settlement or a report of a Committee on that subject. Soon after this a very serious charge of a criminal nature was brought against me in Congress. The matter was fully and minutely investigated, and I not only proved my innocence to the perfect satisfaction of that respectable Body, but even my accuser himself, by examining into the transaction, discovered a most incontestible proof of it, a proof that had escaped me and the Committee who had been appointed on that occasion. This he candidly introduced before that honorable Body, which, together with their unanimous vote of acquittal, rendered my intended publication unnecessary. I then called on Congress by letter to the President to appoint a Committee for inspecting the state of my accounts and transactions with the Continent. This was readily complied with; but as I was engaged in the General Assembly of this State, and the attention of the Committee appointed, occupied by a variety of other objects, the matter by mutual consent was deferred."

³ See nos. 19, 20, 24, 30, 31, *ante*.

This declaration which I imparted to you in January last and the candid part which you acknowledge I have since acted, entitled me to a little candor and a little more decency from you. had I been in your place, Sir, and you in mine, I would long since have thanked you, not in terms of half reproach.

If you really believe that Congress were perfectly and unanimously satisfied with your Conduct in that transaction, you deceive yourself. there appeared, tis true, no proof against you of criminality, but there were nevertheless more persons than one clearly of opinion that the manner in which the business had been transacted, was to speak in the mildest terms, highly improper.

Would you know the sentiments of our fellow Citizens in these States, publish all the papers respecting that transaction. I have copies of them at your service. You and I may safely foretell what will be the Issue. Superficial readers will say "why this seems to be all fair enough". Men of business and discernment will more gravely declare "this is a very extraordinary and a very dangerous mode of disposing of the public Money". I will add nothing harsh.

You content yourself, Sir, with wishing that every person connected with public business had such accounts as *yours* to produce.

Where shall I find the ground whence you derive this self satisfaction? Not in your declaration in Congress the 11th September 1778, respecting the Books of the Commercial Committee which had been always under your special direction and in your private possession about nine Months antecedent to that date. Not from the unliquidated accounts of the Secret Commerce which has been abolished near, or perhaps upwards of, two years. Not from the Condition in which you returned the Books of both, to the late or present Commercial Committee in almost inextricable confusion; many more Months have since rolled over and I cannot learn that those Books are even at this moment in a state to be *boasted of*.

Not from your confession that the *proof* introduced by the Gentleman whom you very unjustly call an Accuser, had escaped yourself and the Committee. This proof should have been produced as the very Corner stone of your justification and of their Report; it was the only paper that could have averted general Censure; without it, the Report of the Committee and all you could have said, would not have satisfied our Constituents. The opinions of Congress would have been recorded in such terms as would have given you lasting pain.

The discovery of that paper, altho' it was not particularly incumbent on me to seek for it, afforded me that satisfaction which a Man feels who knows, that to be honest and impartial towards every Man are duties due to himself.

Permit me Sir, before I conclude, to say—If you rank me among your Enemies, you do me great injustice. I acknow: that I have not approved of your general Conduct in public business, it has, in every instance within my knowledge, been ambiguous—always wanting your own explication. I dislike the train in which the Commercial Committee's Books are at present. you would not do amiss were you again to submit the adjustment of them to any other hand and in any other House than your own.

you once returned them after nine Months effort, because they were Confused although they had been the work of your own performance and direction.

I am Sir

Your obedient humble Servt.

HENRY LAURENS.

PHILAD. 8th July 1779.

399. THE MASSACHUSETTS DELEGATES TO THE PRESIDENT OF THE MASSACHUSETTS COUNCIL (JEREMIAH POWELL).¹

PHILADELPHIA July 9th 1779

Sirs:

We received in due time the Honor of your Letter of June 10th which we should have acknowledged earlier, but were drawn on from day to day by the Hope of getting a proper Opportunity for obtaining the Sentiments of Congress upon the Points which are so essential in the Settlement of accounts between the State of Massachusetts Bay and the Continent. Such has been the Course of Business here that we can yet only inform you we shall omit no favorable Hour for bringing on a Decision agreeable to Instructions from the Honorable Assembly in Behalf of which you wrote: and we think the Course of the War to the Southward will tend much to excite a general Sense of the Equity of making a continental Charge of those Expences mentioned by you which have occurred frequently hitherto only in the eastern and middle states.

Your Letter of February 10th was referred on the 5th of March partly to the marine Committee and partly to the Board of War. We shall move for a Reference of that now before us to the Same Board and shall promote a speedy Report.² . . .

Your most obedient and Humble Servants

E. GERRY

JAMES LOVELL

S. HOLTEN

400. JOHN FELL, DIARY.¹

Friday July 9th 1779. Commercial Committee Congress. This day was spent on a Report, relating to the Quarter Master and Commissary departments etc. Mr. Wm. C. Houston a delegate from New Jersey, took his Seat in Congress to day.

Saturday July 10th. Com'l Committee Congress. Letters Memorials and Reports from the Board of War and Treasury.² Letter from Peter Wickof to Resign the appointment of Clothier General and several other Persons Put in Nomination Dr. Wetherspoon attended Congress to day.³

[399]¹ Mass. Arch., CCI. 148.

² See the *Journals*, Mar. 5, July 12.

[400]¹ Library of Congress, Journals and Diaries.

² Holten's entry for the day in his Diary is, "Congress ordered the money to be forwarded to Mass. Bay to exchange the emissions that are out of circulation".

³ Witherspoon had been absent since June 4 as a member of the committee sent to Vermont. See no. 319, *ante*, and no. 403, *post*.

401. JAMES LOVELL TO SAMUEL ADAMS.¹

July 10th 1779

Dear Sir

At length I send you with some other things the Baltimore Publication, reprinted by Town in his *Evening Post* of the 9th.² That Print also contains a Peice signed Cato which comes from some of the Gentry who *think much* of the Prosperity of the Eastern States. Langworthy said himself

[401]¹ N. Y. Pub. Lib., Samuel Adams Papers.

² See no. 395, *ante*. The article here referred to is conveniently found in N. Y. Hist. Soc., *Collections: Deane Papers*, III. 485. It is given as an "Extract of a letter from Philadelphia, dated June 24, 1779", and bears the signature "O Tempora! O Mores!" It appeared first in the *Maryland Journal and Baltimore Advertiser* of June 29, was reprinted, as mentioned by Lovell, in the *Pennsylvania Evening Post* of July 9, and subsequently in several other papers, among them the *Virginia Gazette* of July 17, the *Royal Gazette* of July 21, the *New York Packet* of July 29, and the *Connecticut Courant* of Aug. 10. Whoever wrote the article, whether Langworthy (whose commission as a delegate had some time before expired; see no. 443, note 2, *post*) or some one else, had rather intimate knowledge of what was going on in Congress. Certain passages definitely suggest that "Americanus" (see below) and "O Tempora! O Mores!" were one and the same person. For instance, the language used in referring to Governor Johnstone's remarks in the House of Commons is almost identical in the two articles.

"Our present situation", says this writer, "is truly alarming and is briefly as follows: A Junto early formed in Congress, have, by some means or other, contrived to keep their principal leaders, either actually in the house, or in some of the most important departments; and by acting constantly in concert, have at last brought it about, that a minority, and a small one too, can retard, delay, and even obstruct every proceeding. The foundation of this Junto was laid during the sitting of the first Congress. At that period there were many real grounds, as well as some pretended ones, for suspecting New York, and one or two others of the middle States. This naturally led the northern and southern ones to unite the more strictly in the measures then pursuing, to obtain the great objects in view. It is not my intention to give you the history of this Junto at present, but will only inform you, that for upwards of twelve months past, a club has been formed of certain of the Delegates from New England, New Jersey, and this State, and of two or three members from the southward. They meet regularly, debate upon, and adjust the manner of their proceedings; and Congress, at all times, being a fluctuating and changing body, these men, acting in concert, are able to keep back or obstruct any measure whatever, until by the absence of some members, and the division of others, they can, with a small majority, carry the vote as they please."

He had by accident had a perusal of Deane's narrative and had learned therefrom that Deane had at once upon his return informed Congress that a foreign loan, if early and properly applied for, might be obtained. The necessity of the loan was generally acknowledged; "but already a jealousy has arisen, and the question is, who shall have the negotiating of it? This has produced already much canvassing in secret, relative to the plenipotentiary to be sent abroad on this important business." Deane had been unjustly and ungratefully treated, and "the parties and factions raised on his and Mr. Lee's account have retarded and put off matters of infinitely great importance".

Spain had in November last, he said, formally offered her mediation, and "France, justly supposing that England would, on this, incline to peace, and apprehensive that application might be made to Congress to treat separately, immediately sent to their minister here, to apply to Congress, and to urge them (if they needed urging) to lose no time in coming to resolutions on what terms they would treat, and to appoint a person or persons to repair to Europe, with ample powers for that purpose. . . . The Minister waited on Congress early in February, with a message and information, to this purpose; and in a long interview with them, pressed on them dispatch, in the most forcible terms. This was really the subject which gave rise to the report of great and good news, with which the whole Continent was for some time amused. . . . What and how many terms Congress have agreed upon, I know not; but though the Minister has been every week urging them to finish, they have to this hour delayed the giving him an answer. The difficulty arises from the New-England Delegates insisting, as I am informed, on making our right to fish on the Banks of Newfoundland, etc., a *sine qua non*. They are, as is credibly whispered, joined in this by some Gentlemen from the other extremity of these

that he should publish *Americanus*³ and he is said by others to publish *Cato* and to have written *O Tempora O mores*. You may judge what Part he has had in those Peices. I doubt not he *copied the rough Spec* for the Press

Confidential. We shall give a private Audience on Monday⁴ in Consequence of Dispatches recd. last Monday by yr. Neighbour Brewer. They were of old Date. The King is pleased that we have only one Minister at the french Court.⁵ We are to know this by finding how much that one has the Confidence of the Court. "As to others what *was* said it is better for

States, and who firmly stand by each other, as they doubtless mean mutually to serve and carry on each other's purposes."

"Our Commissioners at Paris", he avers, "appear totally ignorant of what is doing in either France, Spain, or England; for it is impossible they should be informed, and never write one syllable about it."

In practically the same language used by "Americanus" he refers to Governor Johnstone's declaration in Parliament that he had made use of "other means than those of persuasion and argument to effect the purposes of his commission". "What those means were", he remarks, "the present times demonstrate. . . . In a word, unless this party and faction can be broke (for until it is, the same measures will be pursued) we shall be in danger, at least, of being ruined, and that suddenly by ourselves."

In conclusion he says:

"I will give you one instance with what industry this party, this select phalanx, conduct their manoeuvres. The night before it was expected the question on Mr. Lee's recall was to be put, an express was sent off into Jersey, to call Dr. W[itherspoon], and Dr. S[cudde]r; Dr. W[itherspoon] was alarmed at three o'clock in the morning, and set off instantly, to be in Congress before the question should be put; and Dr. S[cudde]r, who lived more remote, followed the same day, each of them with as much expedition as if they had been flying before the enemy. They arrived in season, and by the paper sent you herewith, you will see how they voted."

Fell records in his Diary that both Witherspoon and Scudder returned Apr. 26 (no. 231, *ante*). The *Journals* also record that Scudder took his seat that day, but say nothing of Witherspoon. They are both recorded as voting in the second instance of yeas and nays Apr. 27.

On the very same day on which Lovell was writing to Adams, Richard Henry Lee wrote to Laurens:

"There are some men so artful in garnishing falsehood with truth that the varnished tale goes down with, perhaps the greater number, who neither are, or will take pains to be informed—Goddards Baltimore *Journal* of June 29th and Hall and Sellers gazette No. 2558 [*Pennsylvania Gazette*, June 23; see no. 360, note 4, *ante*] contain Samples of artful misrepresentation—I know the knaves who write these things have the advantage, because they cannot be complete[ly] exposed, without exposing secrets that it would be very unwise to publish at present, this the true friends of America will not do, and this those Scribblers know well, which induces the[m] to come forward with so much effrontery. Yet I think both these deceivers might be handsomely scourged without making improper communications. There has not been, that America knows, a shadow of reason to suppose that G. B. meant to accept the proffered mediation of Spain. And when such a mediation took place, was the proper time for the Belligera[nt] powers to prepare and offer their terms, upon being duly notified by the Mediatorial power. . . .

"The most essential part of the february information was contained in Dr. Lees letter to Congress dated in August last which they had long before february been in possession of. Had this letter been answered and in a satisfactory manner to Spain, the conjecture is too strong not to be entertained that this power would eer now have been with the Alliance. But those, whom a Writer calls, "execrable faction" [see nos. 310, 360, *ante*] had rather that America should be lost than saved thro the medium of Mr. Lee, and so neither that letter of August, nor a subsequent one on the same subject have ever been noticed!" (*Letters*, ed. Ballagh, II. 87).

For a direct answer to "O Tempora! O Mores!" see no. 512, *post*.

³ See no. 360, *ante*, and no. 406, *post*. Concerning "Cato" see also no. 443, note 2, *post*.

⁴ See the *Journals*, July 10, 12, 14, 15.

⁵ See the *Journals*, July 14, paragraph no. 3 of the document designated "Ad Statum Legendi", also no. 420, note 6, *post*.

the *House* to hear." Ergo an Audience ensues. It will be upon a level Line of Importance with the former *parvum in multo*; We are enjoined Secresy before hand; tho Gomez⁶ was telling the Story at the Coffea House last Even'g.

By the Way, on this Topic of Secresy Smith Says he must tell all his State calls for; and Burke says if certain Ultimata *do pass* he will immediately let his State know them. Why should not I say if they *do not pass* I will also tell my State?⁷

These same News-Paper Gentry say, *in* the Houses that though Adams and Lee are gone, yet the Supporters of *their* Measures are left here, wherefore a *Minority* governs.

I recon that one Session after the Audience will finish foreign affairs so far as relates to Ultimata. The arrangement of the Treasury will also be finished at the next Tryal; and That, I suppose, will be called finishing the *Finance* Reports.

I forgot to remark above that if Doctr. Franklin has the Confidence of the French Court it is strange that we have not a Line from him by their Packet. He was indeed, always very backward of writing to the *State* which employed him, though he was lengthy to Individuals. I verily believe that they folgerize⁸ us in France often

I expect that Arthur is to be squinted at if nothing worse in the Audience. For, though the Family of Lee is now linked in public, yet one in Office is too much for the inveterate Party to yeild to. . . .

402. JAMES SEARLE TO RICHARD HENRY LEE.¹

PHILADELPHIA 10th July 1779.

Dear Sir

I was highly gratified with the rect. of your obliging letter of the 27th of last month.²

I think it a great misfortune that at this critical moment we are deprived of your advice and assistance in our Councils: We feel our loss in you the more as we are also deprived of that great Statesman and honest man Mr. Adams who has left us struggling with a set of men some of whom on my conscience I believe mean not the good of America. As to the important point under debate when you left us, the F——³ The honest Men have hitherto kept its opposers at bay, and I am not without hopes its Friends will finally succeed in supporting it. . . .

⁶ It is not certain to whom Lovell alludes under the appellation of "Gomez", but it was probably William Henry Drayton, though it may have been John Penn. In his letter of Jan. 28, 1780, in the next volume of these Letters, Lovell alludes to both of them as having divulged secrets of Congress. Cf. no. 19, *ante*. It seems improbable that "Gomez" was any of those whom Lovell mentions by name, Meriwether Smith (who was dubbed with several nicknames), Burke, or Langworthy.

⁷ See nos. 414, 420, *post*. Cf. no. 366, *ante*, and no 411, *post*.

⁸ Cf. no. 354, note 5, *ante*. Concerning the gratification of Vergennes over the designation of Franklin as sole minister at the French court, see no. 420, note 6, *post*.

[402]¹ Univ. Va. Lib., Lee Papers.

² Not in *Letters of Richard Henry Lee*. There is, however, one of Aug. 7 (II. 104).

³ The fisheries.

The Marine Committee have sent forward a list of Materials and Stores for the 74 Gun Ship and Eight new Frigates hereafter to be built. We have reason to hope these things will be sent us from France by order of his most Christian Majesty together with a very large supply for our Army of every necessary for Fifty thousand men from a Brass Cannon to a Shoebuckle.

The Minister has informed us that he had reason to believe all those things would be sent us immediately if applied for by Congress, to be paid for when Peace was established, in the manner most convenient and agreeable to us.

It is in consequence of his information that the application is made and I have no doubt of the success of it.⁴

403. WILLIAM WHIPPLE TO JOSIAH BARTLETT.¹

PHILADELPHIA 12th July 1779

My Dear Sir

. . . . The Committee that was sent to the Grants are returned, that is two of them, viz. Dr. Witherspoon and Mr. Atlee, these were to be joined by two Gentn. from Connecticut but the Dr. was in so great a hurry that he and Atlee set off the day before the others arrived. whether a report will be receiv'd from these two, is not yet determined. I am happy to find the Court have determined to lay in their Claim to that Territory but I could wish nothing had been said in the vote, of Vermont being an Independent State.²

404. JOHN ARMSTRONG TO HORATIO GATES.¹

PHILADA. 12th July 1779.

Dear General

In Congress our great publick points tho' often agitated, are but little very little removed from the ground on which they stood when I wrote you last, notwithstanding that two months have elapsed since in answer to that

⁴ See the *Journals*, June 15; also no. 356, *ante*.

[403]¹ Dartmouth College Lib., Bartlett Corr., vol. II., 1779-1790.

² The committee was appointed June 2. See the *Journals*, May 22, 29, June 1, 2, 16, and nos. 313, 314, 318, 319, 322, 330, 349, 357, 362, 364, 400, *ante*. The two gentlemen from Connecticut, Root and Ellsworth, made a report by letter (July 4) which was read July 12. The letter notifying them of their appointment, they said, arrived on June 14, while they were attending the general assembly, which did not rise until the 18th. On the 22d they set out. At Stockbridge, hearing that Dr. Witherspoon and Colonel Atlee had got to Bennington, they directed their course to that place, arriving on the afternoon of the 26th. But Witherspoon and Atlee, they found, had left that morning for Albany. They then sent an express after them, asking them to return. The express overtook them at Albany, returned on the 29th, and brought the message that they declined to accede to the request. Root and Ellsworth expressed the view that, since Congress had empowered three of the commission to act, the mission of Witherspoon and Atlee would necessarily fail. The latter laid their account of proceedings before Congress July 13. See, further, the *Journals*, Aug. 24, Sept. 8, 17, 20, 22-24, Oct. 2, and nos. 407, 409, 453, 465, 495, 506, 514, 544, 545, *post*; also *Records of the Governor and Council of Vermont*, I. 441, 522; *Clinton Papers*, V. 97, 108-116; *Corr. of Jay*, I. 211. A letter from President Weare to the committee, July 3, is in *Hist. Magazine*, XXIII, 107. Root returned to Congress Aug. 12, Ellsworth not until Dec. 16.

[404]¹ N. Y. Hist. Soc., Gates Papers, XV. 151.

letter, I had yr. favour of the 27th of April, for which (if not tendered before) I beg you will even at this late day accept my Cordial thanks. Congress have lately thrown out a small scheme of Finance,² with a view to borrow money, stop the Press and prevent the farther depreciation of that already in circulation; whether it will have the desired effect is yet uncertain, and at present very doubtful, as in this City, (a kind of mirror or first mover to the adjacent states) many I find are of the Opinion they can employ their money to better purpose than in our sinking funds, so that it's very probable we must early hold up higher inducements to money holders in order to procure such loans as when joined to that to be derived from taxation may serve as a constant supply and prevent the necessity of farther Emissions. . . .

Mr. Marchant and myself have exerted ourselves for your friend Captain Banks.³ we are indeed oppressed with men in his situation, and the liberality of the publick almost worn out. he however has been pritty fortunate at least in dispatch whereof I believe he is sensible; the resolution does not oblige you to make him Town Major, being only meant conditionally and until he can return to Europe or otherwise dispose of his time.⁴ . . .

I am dear General, with great truth

Affectionately Yours,
JOHN ARMSTRONG

[P. S.] from the Packet to which you allude nothing of consequence transpired. I think I have heard it called duplicates. We have not yet fully decided on the Fishery, a dish which I hope will always be well relished in America.

405. JOHN FELL, DIARY.¹

[July 12, 13, 1779.]

Monday After the dispatches at 12 oClock, Congress went in to a Committee of the whole to have a Conference with Mr. Gerrard. Mr. Lawrence was appointed Chairman and Mr. Dickinson and Dr. Wether- spoon assistance in the Conferance, after the Minister was gon[e] the Chairman obtaind a writing [*blank*]² which was Read, and desired leave to sitt againe President took the Chair and sundry Reports were read from the Board of War and Treasury

Tuesday 13th July Com'l Committee Congress Letter from Genl. Washington dated Head Quarters New Windsor July 9th. Committed to 3 vizt. Mr. Marchant [*blank*]³ Congress went in to a Committee of the whole on the subject of the Conference, the Chairman desird leave to sitt againe, and the President Resumed the Chair, and the Report of Duartee the Portugeze was taken up and debated till past 4 oClock.⁴

² See especially the *Journals*, June 11, 14, 16, 25, 29.

³ Cf. no. 394, *ante*, and no. 412, *post*.

⁴ See the *Journals*, July 10, 17.

[405]¹ Library of Congress, *Journals and Diaries*.

² Probably the paper "Ad Statum Legendi", which was not, however, put into the record until July 14. Cf. nos. 406, 408, 413, *post*; see also no. 401, *ante*.

³ The other members of the committee were Huntington and Armstrong.

⁴ There is no mention of the Duarti matter in the *Journals* July 13. See nos. 434, 435, *post*; see also vol. III., no. 267.

406. JAMES LOVELL TO JAMES WARREN.¹

July 13th, 1779

*Confidential.**Dear Sir,*

Three days ago I wrote to Mr. Adams inclosing Papers that show the Spirit of the Parties in a certain little-great Assembly. I must ingeniously acknowledge to you that if I had been properly convinced that Gr: Britain was seriously disposed for Peace, I should have rested on an Instruction to our Plenipotentiary "*in no case to give up a common right of Fishery*". But I have seen Reason to wish for a *Stipulation* that Britain shall not *disturb us in the Exercise of that Right*. If France can harbour no too-interested Views in regard to that grand Branch of Commerce, Britain surely would make every advantage of our Inattention to it at the Hour of Peacemaking. And it has seemed to me as if some Persons here were much more bent upon coaxing than upon forcing a Peace from our Enemy; We are told that Passengers and Letters are put on shore in Nth. Carolina from a Vessel arrived in Cheseapeak which left Rochelle the 10th of May. We have not had a Line from our Appointments in France for a long Season. Mr. Gerard recd. Letters via Boston, as mentioned in yr. Gazettes but they were not of very modern date.

We had a Communication from him in a private Audience Yesterday but under the Injunctions of the House for Secrecy, so that A and B will be stigmatized if they communicate the Substance in a private confidential Letter, should they be discovered, while C and D, under the Signature of *Americanus* or *O Tempora O Mores*, may publish the whole to the World in a News Paper.²

407. JAMES LOVELL TO SAMUEL ADAMS.¹

July 13th, 1779

Dear Sir

. . . . You know that we united in Opinion that it was trifling for such an Assembly as Congress to stipulate conditionally in regard to peace, as the *sine qua non* would be calf-carried² immediately out of the House, and no other Instructions would stand a Chance to be prevalent. I am more than ever convinced of such Consequences to be apprehended.

Tace Our Treaty of Alliance being *published* to please Chase and some others has had this pretty Effect, viz. England seeing the viii Article, and knowing both France and Spain disposed to Peace, and finding the latter *obliged* only to wait for an alternative Assurance of our Independence, will never be *explicit*, while a *tacit* Conduct of the great Point can be made to suffice.³

[406]¹ *Warren-Adams Letters*, II. 109.

² See nos. 360, 395, 401, *ante*, 408, 413, *post*. Lovell's remarks respecting stipulations in the treaty of peace appear to have been predicated on the "*Americanus*" articles.

[407]¹ N. Y. Pub. Lib., Samuel Adams Papers.

² Probably a term of Lovell's own invention, based on a colloquial use of the word "calf" to designate an immature person.

³ Congress gave orders Nov. 4, 1778, to have the French treaties printed. On Nov. 20 Gérard mildly informed Congress that the publication of treaties prior to the

Yr. Experience of the Disposition of Persons and Things here will lead you to conclude readily that much Time will be wasted or a Decision ill becoming our former Spirit be made. . . .

The Com'tee are returned from Vermont. Witherspoon and Atlee did not wait for the arrival of the others so that it proves an Abortion as we empowered *any three* to act. It is true the others when they arrived did not find any Thing further to do than what was signified to them by Letter from these the Doings of whom they approve by their Answer.⁴ But it is too delicate an Affair to proceed in without going by critical Lines. The People expect to be heard regularly before any formal Decision is made concerning them. This will "wound the Feelings" of some Gentlemen if not of a whole State if complied with; and it will mar all our past Endeavors not to comply with it. . . .

408. SAMUEL HOLTEN TO THE PRESIDENT OF THE MASSACHUSETTS COUNCIL (JEREMIAH POWELL).¹

PHILADELPHIA July 13th 1779.

Sir,

Since I had the honor of addressing you last, Majr. Rice has arrived here from General Lincoln's head quarters, the printed accounts brought by him I inclose, but from the best intelligence, I have reason to believe the General is apprehensive that the state of South-Carolina will fall into the hands of the enemy, owing in part, to many of his army being militia, whose times are near expired.²

I understand the money, out of circulation, sent by Mr. Appleton is safe arrived here, and congress have ordered a like sum in other bills to be sent forward to exchange the same;³ I'm sorry to find so great a part is likely to go again into circulation, but possibly the late resolutions of congress respecting a loan, may in part prevent it. It would give me pleasure to hear what the hon'ble court has done, in consequence of the resolutions of congress, for raising 45,000000 dollars by taxes, for I think it is in vain, for us to suppose, that we can carry on the war by paper emissions much longer.

Yesterday congress resolved themselves into a com'ee of the whole, and the minister of France, was admitted to a private audience, which lasted for some time, but I'm not at liberty to add.⁴ . . .

exchange of ratifications was not in accordance with the "ordinary rules" (see Wharton, *Rev. Dipl. Corr.*, II. 843, and the *Journals*, Nov. 20, 1778; cf. vol. III. of these *Letters*, no. 642). In the conference July 12 Gérard expressed the surprise of the French court that Congress had published the treaties without that court's knowledge and consent (see the *Journals*, July 14, pp. 830, 832).

⁴ Cf. no. 403, *ante*, and no. 409, *post*.

[408]¹ Mass. Arch. CCI. 161.

² Cf. nos. 391, 392, 395, *ante*.

³ See the *Journals*, July 10, 12, and no. 400, note 2, *ante*.

⁴ Cf. nos. 405, 406, *ante*, and no. 413, *post*.

409. NATHANIEL PEABODY TO JOSIAH BARTLETT.¹

PHILADELPHIA, 13th July, 1779.

Dear Sir,

. . . I think the State have Conducted prudently with respect to the New Hamp'r Grants. Part of the Committee sent by Congress to investigate the Grievances and Designs of the People on those Grants have lately returned to this place, their report not yet made known to Congress—Suppose I shall be able to give it you in my next.² Col. Ethan Allen and Mr. Fay have lately been in this City, whereby they missed of being present at the Conference at Bennington. I enclose you a hand bill, siting forth the Conduct of the People in said Grants, upon which the late Complaints from New York against them were founded,³ also several Newspapers. In my last to his Hon'r Mr. President Weare, I sent sundry papers and hand bills, hope they will arrive safe.

I am happy to hear the State have so readily Complyd with the indispensably Necessary Resolves of Congress respecting a Tax, for their proposition, of the 45,000,000 Dollars at this Critical situation of our Finances; and for their raising their Quota of Troops, as the most vigorous exertions in the People, at this time is absolutely necessary to appreciate our Currency, and credit and support our diminished Army, for without it would be the height of presumption to expect a short and successful War, or a happy and honorable Peace. But my Dear Sir when I take a retrospective view of those truly Patriotic Characters which at first adorned the Councils of these United States and laid a foundation for a Vast Empire, an Asylum for Civil and Religious *Liberty*, whose Generous breasts Glowing with an ardour becoming free born Americans, Vanquished every idear incompatable with industry, frugality, Virtue, and the union freedom, and happiness of their Native Country, and at the same time reflect how the scene is now changed; when I see Banqueting, Pageantry, Luxury, Dissipation and unhappy disputes and divisions Spoken against and detected by every honest republican, Standing or making rapid progress where it ought not, I am filled with solemn surprise and naturally Conclude those aspects portend some dire Event; unless prevented by a speedy reformation! But must dismiss the subject for this time.

410. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA July 13th 1779

Dear Sir,

This Day a Letter was read in Congress from Genl. Washington, informing that he had called Glovers Brigade from the State we have the

[409]¹ *Hist. Magazine*, VII. 51.

² Cf. nos. 403, 407, *ante*, and no. 453, *post*.

³ Evans lists (*Am. Bibl.*, vol. V., no. 16652) a proclamation of Thomas Chittenden as governor, signed by Jonas Fay as secretary, bearing the date June 3, 1779, and issued as a broadside (printed in Dresden by Paddock and Spooner). This may be the handbill to which Peabody refers.

[410]¹ R. I. Arch., Letters to the Governors, 1778-1779, p. 130; Staples, *R. I. in Cont. Cong.*, p. 245.

Honor to represent, upon his hearing that an Embarkation had taken Place of Part of the Enemies Force at Newport. This Intelligence was very alarming to Us especially as the Enemy are in considerable Force in the Sound, had attacked and entered Newhaven, from Whence they might soon reach Newport Harbour and joined with the Forces there ravage Our State, and even the Mass'tts State perhaps to their Capital, tho' they appear to be very inattentive to it. We moved that the Genls. Letter might be committed to a special Committee, and that they take into immediate Consideration the present Situation of the State of Rhode Island, etc. This is done, but we feel ourselves much at a loss since we cannot expect any relief from Connecticut while their whole Coast is liable to the depredation of the Enemy and since notwithstanding every Argument has been made use of by our State and by Congress upon New Ham[p]shire and Massachusetts Bay with scarce any effect, and although their very salvation depends upon preserving the small remains, as a barrier to their own.² We are

Your Excellencys most obedient and very humble Servts.

H'Y MARCHANT
JOHN COLLINS

411. WILLIAM FLEMING TO THOMAS JEFFERSON.¹

PHILADELPHIA 13th July, 1779.

Sir,

. . . . It is a matter of surprize and regret that congress have not recd. a letter from their plenipotentiary, or either of their commissioners in Europe, for more than six months past; in which time the minister of France has recd. several dispatches from his court, and one very lately, the contents of which he has (in part) communicated to congress. I hope I shall not be suspected of affecting a mysteriousness when I tell you I am not at liberty to mention particularly the minister's communications, nor would it be prudent to risque them in a letter, under the present regulation of our post office; however, this much I can venture to say, that they are favorable, that the prospect of peace brightens, and that France seems to act on a very liberal scale, and has, in many instances, gone further in support of the common cause than she was, by the treaty, bound to go; notwithstanding which, it is to be feared, we are not all true friends to the alliance.²

I am apprehensive we shall shortly be overrun [*sic*] by committees. The original ostensible design of them was laudable, and under proper regulations might, perhaps, produce good effects; tho' I confess little or nothing salutary has yet been experienced by them here; and I am of

² See the *Journals*, July 13, and nos. 462, 475, 491, *post*.

[411]¹ Library of Congress, Jefferson Papers, second ser., LI. 4.

² See the *Journals*, July 11, 12, 14, 15. Letters from Arthur Lee and Izard arrived the next day after this letter was written (see no. 415, *post*). Cf. no. 366, *ante*.

opinion they are taking large strides towards the entire subversion of this government, the civil magistrates being already little more than cyphers.³

Adieu.⁴

412. HENRY LAURENS TO HORATIO GATES.¹

PHILADELPHIA 14th July 1779

Dear Sir,

I had the honor of addressing you under the 29th Ulto. and since that, of receiving your favor of the 26th by Capt. Banck. This Gentleman returns from Congress seemingly well pleased and I apprehend the Resolve in his favor will enable you to keep him so.² The Marquis de Bretagne will think himself the most fortunate of all the zealous adventurers to America; when he arrived in Charles Town he found the incorporated french Volunteers under the Command of a Gentleman of their own choice, this Gentleman's honor will bind him to them until the temporary service expires and upon the arrival of that event the Corps will disband and every Man retire to his vocation. . . .

We have at this moment certain subjects on the tapis which demand all the wisdom virtue and fortitude of America, I wish I were with you and at liberty to converse freely for a single hour. I wish, *even more earnestly*, a Man of superior talents and abilities were in my green Chair.

I am persuaded all will come right, but not until we shall have waded and plunged through a good deal of wrong and perhaps not until we shall be awakened by some rude stroke. Am I wrong Sir in this Idea, that in Young Republics, Citizen-Soldiers of high rank and great experience ought upon extraordinary occasions to be consulted? I intreat you Sir do not communicate this to Rivington, he will put ten thousand false interpretations and glossings upon the best meaning. I had as lieve be tried by the Inquisition as by that fellow and certain of his adherents—in times like these, Men who feel, will speak; every Man who loves his Country and is acquainted with the present state of her affairs must feel and every such Man ought in decent terms to speak his honest feelings.

Let us look around, and inquire into the State of the Army, the Navy the Treasury; the view is truly affecting, but what is most of all to be deplored is the torpitude of national virtue. How many Men are there who now in secret say, could I have believed it would have come to this, I would—I am not one of that number. I had my apprehensions, and signified them in Fludyer Street Westminster in October 1774, to a friend in So Carolina, nevertheless, I said, Ill go and risque all. . . .

³ The allusion is doubtless to the activities of the committee of the citizens of Philadelphia, of which William Henry was chairman. Just at this time the committee was engaged in an attack upon the conduct of Robert Morris in connection with the purchase of flour for the French fleet. See nos. 366, 369A, 398, note 2, *ante*, and nos. 443, note 2, 445, 447, *post*.

⁴ The letter is without signature.

[412]¹ N. Y. Hist. Soc., Gates Papers, XV.

² Cf. nos. 394, 404, *ante*.

413. JOHN FELL, DIARY.¹

[July 14, 15, 1779.]

Wednesday 14th. Com'l Committee Congress. After the Letters etc. were read, Went in to a Committee of the whole house, on the Conference with Mr. Gerrard, which the Chairman having Reduced to writing, Read in his Place and after some time the President Resumed the Chair; ² Some foreign Letters were read. Dined with Mr. Jay

Thursday July 15th. Commercial Committee Congress. Letters from some of the Commissioners in france were read wherein they advise of the English Ministry giving Orders to their Army here to Land at Wethersfield and burn and distroy all in their way to New Haven and there imbarque Letter from Mr. Shearman mentions the Enemy having Burnt Fairfield, the whole Town except the Church.³ A Clothier General was appointed by Ballot, Coll. [blank]⁴

414. THE NORTH CAROLINA DELEGATES TO THE GOVERNOR OF NORTH CAROLINA.¹

PHILADELPHIA July 15th: 1779

Sir

Immediately on receiving your favor of May 26th last, we laid before Congress the several Matters wherewith you charged us; ² but unavoidable interventions have prevented our obtaining their Resolutions on them all, previous to the date hereof.

The intense heat of this Season, and the great length of the march, make it almost certain, that an order for the North Carolina Troops to Join the southern army would be attended with Consequences, fatal to their health, and such as must deprive the public of their Services, every where, during this Campaign, if not forever. it was therefore Judged most expedient, to postpone such orders, until they can be executed without such imminent hazard of Inconvenience.³

The Resolutions relative to the decried Emissions,⁴ are the best which we have been able to obtain, altho', in our Opinion, they are not altogether so well calculated for the relief of the Sufferers, especially in our Country, as they might have been. But the Measure by which they were decried and from which great public good was expected, has still many

[413]¹ Library of Congress, Journals and Diaries.

² See no. 405, *ante*.

³ See nos. 414, 419, 420, 425, 426, 429, *post*.

⁴ Lieut.-Col. Persifor Frazer. He declined the office July 19, and James Wilkinson was chosen, July 24, in his stead.

[414]¹ George C. Thomas Coll., Philadelphia; Harvard Univ. Lib., Sparks MSS., XXXVI. 505; Thomas, *Autograph Letters*; *N. C. State Recs.*, XIV. 154.

² See the *Journals*, June 23. Caswell's letter of May 26 (*N. C. State Recs.*, XIV. 102) transmitted sundry resolutions of the assembly, among them one requesting Congress to furnish two and a half million dollars toward defraying the expenses of recruiting, clothing, and marching the troops; one requesting further time for bringing in the decried emissions of May, 1777, and April, 1778; and another empowering the governor to draw for the two and a half millions.

³ See the *Journals*, July 12.

⁴ The reference is doubtless to the resolutions of July 2.

advocates in Congress, notwithstanding the Experience of all parts of America [which] groans under the Evils it has produced.

The Congress has, with great reluctance, granted even the partial payment of your draught in our favor.⁵ The Continental Currency is so much depreciated, that every one sees the necessity of putting an entire stop to emissions; and relying on the Exertions of the States for Supplying the public necessities. The power of the States, internally is much better understood, much better Established, much more simple and vigorous in its Operations relative to public Credit, and, let us add, much more relied on, than that of Congress. It is therefore more competent to give Securities, which will give value to paper Currency, than Congress, in their unconfoederated State, can give. The Congress, sensible of this, and also Sensible, that increasing the Continental Emissions must be attended with very injurious Consequences, have taken up Ideas very different from such as heretofore prevailed. Should the War continue longer than the present Campaign, the States must furnish the supplies, either by Contributions in kind or by Taxes in money; and these are the chief resources which the Congress have at present in view. they will probably have recourse also to Loans; a Measure only Justifiable on principles of Necessity; which is burthensom and unequal in a very high degree; and which, it is much to be wished, may be avoidable. for the present campaign, the Congress wish to provide by Loans, and by what remains of the former Emissions not yet expended.⁶ while intent on this object, it was a great disappointment to them to receive so great a requisition, as two millions and a half, from One of the States; and, many deem it better, to let any one State Struggle through the want of money, than to send them any from the public Treasury, in its present circumstances. the resolution was at length taken, to advance One Million; and we were obliged to be satisfied therewith. it is hoped that when the State is fully informed of the State of affairs, she will provide for her Exigencies some other way, and forego the remaining part of the requisition. we Confess this to be our wish; and doubt not it would be the wish of our Constituents, were the difficulties of our Finances as well known to them as to us. the sum granted cannot be paid before the beginning of August; and, as soon as possible, it shall be sent forward. if the residue cannot be dispensed with, we shall make a future application to Congress, but we are far from being Sanguin in our hopes of Success.

. . . . You will see, by the inclosed papers, that a descent has been made in Connecticut; and we have advice from Europe, that it was planned in the British Cabinet.⁷ this is a proof, at once, of the predatory designs of the Enemy, and of that imbecility which prevents them from carrying on Operations of greater vigor, and more competent to their design of Conquest. We wish we could give you a Satisfactory Idea of our foreign

⁵ See the *Journals*, July 14.

⁶ See the *Journals*, index, Loans.

⁷ See a letter of Arthur Lee, Apr. 6, 1779, in Wharton, *Rev. Dipl. Corr.*, III. 110. Cf. nos. 415, 420, 421, 424, 429, *post*.

affairs; but they are Still in so obscure and undecided a state, that this is impossible. we are also yet under strict Injunctions of Secrecy: but, should decisions be made, deeply affecting the happiness and safety of our Country, we shall feel ourselves under obligations, stronger than any other, of laying the whole of the affairs before the State.⁸ We are sorry to find, that we differ in Sentiments with some of the Delegates of Jersey, Pennsylvania, Delaware and South Carolina, on Questions, which are of the utmost importance to all, but, peculiarly so to them, and to us, as States possessing Internal Staples, and being composed chiefly of Husbandmen. Jersey, Delaware and South Carolina, on the Questions alluded to, are usually divided: Pennsylvania votes differently from us, but, we have the satisfaction to find, that New York, Maryland, and Virginia concur with us. We lament that our Eastern bretheren have, at present, objects in view, in the pursuit of which we cannot concur with them; tho we feel every possible disposition to unite with them in all pursuits, not inconsistent with the safety, and happiness of our Country. We excuse them, because the objects are, to them, Immediately Interesting; but, in our Opinion, not so much so to all, or to any of the States, as to Justify some measures that are under Consideration.

We have the honor to be with great respect,

yr. Excys. obt. Serts.

JOHN PENN

THOS. BURKE

WM. SHARPE

[P. S.]

415. JAMES LOVELL TO SAMUEL ADAMS.¹

July 16. 1779

Dear Sir

We have had Letters from A Lee to Apr. 6. and one from R Izard of March 4th in w'ch he requests permission to resign.²

Mr. A. L. sent a Reply³ to Deane's Accusations which has given me great Satisfaction tis 32 folio Pages long founded on two Peices which we sent him last Octobr., but which did not reach him till Feby. It is impossible for me now to give you any part of it; but I will take occasion to send you Extracts of wh't are the only new Things to you and me, I mean the first of the only two Letters he has written to Ld. Shelburne since he left England for our Service, and a Letter from Mr. Jennings with his Answer concerning Berkenhout and Temple. The Reading of the first made his most capital opponents press their fingers on their Eye to prevent that water from discovering itself in a Drop, which will rise and collect upon a sudden Stroke of Admiration. Their Orbs were

⁸ Cf. no. 401, *ante*, and nos. 420, 474, *post*.

[415]¹ N. Y. Pub. Lib., Samuel Adams Papers.

² Arthur Lee's letter is in Wharton, *Rev. Dipl. Corr.*, III. 110; Izard's is *ibid.*,

p. 73.

³ See the *Journals*, July 16. Cf. Lee's letter of Feb. 25, 1779, in Wharton, *Rev. Dipl. Corr.*, III. 63 (with foot-note, p. 65). See also nos. 421, 424, *post*.

full.⁴ The other two letters mentioned relative to Berkenhout are the most striking Proofs of Integrity and sound prophetic Judgement, as well as a compleat Refutation of all the malicious Inuendo of Deane and party in their Gazette and Memorial-Appearances.⁵

William being absent Arthur Undertakes and Accomplishes a full Defence of him against the Calumnies levelled at *him* particularly.

I must regret that the Papers now arrived did not come before you and Richard left us. I cannot tell you *all* the Reasons why by this Opportunity. I will do it by Somebody who can destroy my Letter in case of Surprise and Capture on the Road.

Most of the Reasons will readily suggest themselves. I took the freedom of opening a large Packet directed to Richd. or in his Absence to F Lee strongly judging it contained what it did—a Memorial in the Letter-Form Inscribed to the President of Congress with a Packet of Vouchers chiefly attested by J Adams. There was another Letter directed to R or F or J L.⁶ This I have by me as it was an Individual confidential Power unconnected with Congress, but of a very extraordinary Kind. There was one Letter for Frank and two for Richd. which I have sent on. I have not the *same* right to open them as I have to open yours. This last I have done, and I now exercise another Right founded on Reasons to be hereafter told; it is to charge you keep, *at present*, a profound secret the parts which I have marked. I wish to have a Copy or the original by the return of the Express as I have been utterly incapable of taking a Copy myself. I will do much more pen work for you tho there is not a like necessity for it. His letter of Apr. 6 tells us the exact plan of ravaging Fairfield which has been executed⁷ it is most unfortunate that the Vessel stayd a Month at Rochelle after leaving Nantes.

a Certain Baron Holtzendorffe has memorialized me to Doctr. Fr'n and given some curious Conversations and Anecdotes calculated for the Ministerial Eye, as Arthur says, in which I am an inveterate Anti-Gallican and a most malignant Anti He demands of the Doctor £20,000 for his Expences because he was not kept in Employ here. He went off in Mr. Laurences Debt from York Town 400 Dollars.⁸

⁴ Cf. nos. 420, 421, 424, 488, *post*.

⁵ Concerning Berkenhout, see vol. III., nos. 487, 498, 500, 502, 566, 635, 689.

⁶ "R." and "Richard" mean Richard Henry Lee; "F" and "Frank" are Francis Lightfoot Lee; "J. L." is James Lovell. In the beginning of the next sentence Lovell actually wrote, "This is have", etc.

⁷ Cf. no. 414, note 7, *ante*. In a letter to Arthur Lee July 16 Lovell wrote, referring to the destruction of Fairfield by the enemy: "We are mistaken, however, if that enemy does not shortly find the unprofitableness of this kind of warfare towards their main purpose. America must be dead indeed to all proper spirit if such doings will not render her both as vigilant and active as in the beginning of the contest" (Wharton, *Rev. Dipl. Corr.*, III. 249). To Franklin the same day he wrote: "Will no one under a commission from these United States retaliate on the coast of England for the burning of our beautiful Fairfield? A single privateer might, I think, show there a striking sample of the species of war carried on by Britain against America" (*ibid.*, p. 248). This idea of retaliation was brought to a head three days later by a letter from General Washington, transmitting a proclamation of Sir George Collier and General Tryon. See the *Journals*, July 19, and no. 426, *post*.

⁸ See Franklin to Vergennes, Dec. 8, 1779, Wharton, *Rev. Dipl. Corr.*, III. 418. Cf. *ibid.*, II. 261, 476, V. 439, 481; also these *Letters*, II. 439 n. A letter from Holtzendorff to Franklin, May 28, 1779, referring to his memorial to Vergennes on the subject of his claims, is in *Am. Phil. Soc.*, Franklin Papers, XIV. 145.

416. HENRY LAURENS TO JOHN HOUSTOUN.¹

16 July 1779

Dear Sir

In Answer to your favor of the 5th June permit me to assure you I have done every thing in my power to assist our worthy friend Jonathan Bryan Esq. to whom I writ a Letter yesterday, Copy of which you will receive herein and to which I beg leave to refer.

While I remain in Philadelphia my attention shall be continued and I trust I shall find means for obtaining his enlargement and you will observe that in my plan I include his Son.² . . .

417. SAMUEL HOLTEN, DIARY.¹

[July 16, 17, 1779.]

16. Congress sit late reading letters from the Hon. A. Lee, Esqr. Mr. Sargent, late from South Carolina, informs us of a battle between Gen. Lincoln and Gen. Provo² which terminated in our favor.

17. We have another account from S. C. of a battle and terminating in our favor.³

[416]¹ S. C. Hist. Soc., Laurens Letter-Book, 1778-1782. Addressed, "John Houston Esq. South Carolina".

² See no. 419, *post*. Jonathan Bryan (1708-1788) was a native of South Carolina, but had removed to Georgia. There is a sketch of him in J. B. Heyward, *The Pendarvis-Bedon Family*, p. 72.

Governor Houstoun of Georgia wrote to Laurens Jan. 22 (from "Purisburg"): "I had forgot to mention in my Letter the Case of Old Mr. Bryan and his Son James. they were, three nights after the Action at Savannah, forcibly taken by a small Party of the Enemy from the Plantation in South Carolina called the Union and immediately put on Board a Prison Ship called the *Whitby*. Mr. Bryan two days ago by some Means got a letter to his Wife wherein he says he was just then ordered on Board the Man of War and was immediately to be sent to New York. if an Exchange can be effected for him I dare say his Age and your former Acquaintance with him will be sufficient Advocate in his Favor to induce you to cause particular attention to be paid to his Case" (S. C. Hist. Soc., Laurens Letter-Book, 1778-1782, p. 147). June 5 Houstoun wrote: "In my former Letters I took the liberty of stating to you the Capture and Cruel Treatment of your old Acquaintance Mr. Jonathan Bryan since which I find that Gentleman has been sent off to N. York and is now a Prisoner on Board a Prison Ship at that place. I rest satisfied as do his Wife and family that nothing in your Power will be omitted to get him exchanged and restored to his Country as soon as such a Measure can be effected. Since the Enemy make an Object of Resentment of him *We* ought in my Opinion for the same Reason to make him an object of particular attention; and so far as relates to those who know him, I am persuaded this will be the case. Major Rice being just setting off I must conclude" (*ibid.*). December 27 Houstoun again wrote to Laurens (from "Round O"): "The several letters from Mr. Bryan under cover of your obliging favor of the 16th Inst. have come safe to hand. I can't help thinking that that old Gentleman ought to have been more an Object of Exchange in the several Cartels that have taken Place in this Department, to which in my opinion his Case properly belongs, than he seems to have been. And *that* for the very Reasons (what ever they may be) which have induced the Enemy to mark him out as so singular an Object of Oppression" (*ibid.*). The Houstoun letters, together with other information concerning Bryan, were kindly furnished by Miss Mabel L. Webber of the South Carolina Historical Society.

[417]¹ *Essex Inst. Hist. Colls.*, LVI. 25.

² Gen. Augustine Prevost. Lovell wrote to Franklin July 16: "We are told this evening that General Lincoln has had an advantage over Prevost in an open field fight, in which the militia behaved to admiration, on the 20th of June" (Wharton, *Rev. Dipl. Corr.*, III. 248).

³ Doubtless the communications laid before Congress Monday, July 19, by the South Carolina delegates.

418. JOHN FELL, DIARY.¹

[July 16, 17, 1779.]

Friday 16th July Com'l Committee Congress. This day almost entirely taken up in Reading A Lees Letters and Reflections again[s]t S Deane did not adjourn till Past 5 oClock. Dined w'th Mr. Jay

Saturday July 17th Congress. Letter from Capt. Cuninghame to his Wife acquainting her of his cruel treatment. Referred to a Committee who Reported that a Letter be immediately wrote by the Secretary and sent to the Commanding Officer at New York to know where and in what manner Capt. Cunningham was treated etc. Order of the Day on the Fisherie, according to Custom, little done. Mr. Dickenson read in his place what he would have adopted by way of Instructions to the plenipotentiary that may be sent to Negotiate for Peace.² Report from the Bo'd of Warr Relating to Coll. Malcolm, to be Reconsidered

419. HENRY LAURENS TO BENJAMIN LINCOLN.¹

PHILADELPHIA 17th July 1779.

Dear Sir,

By the hand of Major Rice² I was honoured with your favor of the 5th Ult. the Major left Philadelphia the 13th Inst. intended for Boston to take Gen. Washington's Camp in the way.

I have done all in my power to serve my old friend Mr. Bryan and I hope by some means to effectuate an Exchange for himself and his Son. it will probably be out of the common routine, because Congress will not encourage kidnapping by Exchanging Citizens taken in the manner those Gentlemen were captured. I have written more particularly on this subject to Houstoun.³

The American Duke d'Alva, Tryon has been brandishing the torch in Connecticut has burnt Fairfield and part or the whole of New Haven made some plunder, distressed Women and Children and retired again to his Ships. many particulars ought to have been published in Dunlap's Paper of today, but he has neglected them.⁴

Thirty six days have passed over since the latest date from Charles Town. the silence is painful, but it does not indicate evil on our part; I do not despair of an opportunity for congratulating with you Sir and with my Country Men in general on an event which will mark honor to you and them and restore my native Country the peace her peculiar circumstances require. in truth Sir, should you fairly drive the Enemy from Carolina and Georgia or do what would be better, detain them there in captivity, you will lay the Corner stone for an immediate general peace. had Georgia been defended, we should at this moment have been engaged

[418]¹ Library of Congress, Journals and Diaries.² See nos. 438, 439, 445, *post*.[419]¹ Copied from the original, then in possession of Mr. Stan. V. Henkels of Philadelphia.² See no. 392, note 2, *ante*. He was also the bearer of Houstoun's letter of June 5 to Laurens (no. 416, note 2, *ante*).³ See no. 416, *ante*.⁴ See nos. 413, 414, *ante*, and nos. 420, 425, 426, 429, *post*.

in a general Treaty. The Capture of that State has cost us a Campaign of blood and conflagration.

I beg Sir you will be assured of my best wishes for your health and success and that I am with great Esteem and Regard

Your obedient and most humble Servt

HENRY LAURENS.

420. JAMES LOVELL TO RICHARD HENRY LEE.¹

[July 17, 1779.]

I did not return from the Conclave till 5 o'clock, hard duty to an infirm Man I there heard the vindication read, but there is a Man who can never read distinctly and deliberately when he does not like the subject. long debates, whether the Vouchers shd. be read at length carried in the affirmative. I recd. much satisfaction, but not so with everybody. One seemed to be on a Gridiron, another in Purgatory, another attempting to take notes, but the subject was painful, he sickened and threw down his pen, one looked to be in a situation in which he ought long since to have been—suspended—from his eternal versatility. I suspect he will become a reconvert.² My best compliments to Mr. F. L. Lee. I feel myself happy in finding I have taken the honest side, and that I may therefore congratulate with your families and all your friends; I shd. have crept into an auger hole had it appeared that I had (altho mistakenly) been an advocate for a rogue. little as I have left of worldly wealth, I wd. give 500 Guineas for A. Lee's company tonight in this room. he shd. not leave Phila. untill he had pointed out the way for obtaining Justice to his injured Country; his Country wou'd not part with him untill they had done him honor.

An honest man's the noblest work of God.

This morning I mean to move Congress to order the vindication of the h'ble Arthur Lee Esqr. together with all the supporting Vouchers to be made public.³ Mr. D. appealed to the Public, which in his elegant style, "caused great sensations". The Public therefore have a right to know what has been said by the other party, and I am persuaded when they are informed that an ansr. is recd. they will assert their right and demand information. We have made no progress either in finances or foreign affairs, except in the former case, what you must have seen published, and in the latter, another private audience, the product of which, my discretion, not my obligation restrains me from divulging.⁴ I peremptorily and repeatedly refused to give my promise to keep secret anything called by that Name in the State House. In the present case I had the best reason

[420]¹ Univ. Va. Lib., Lee Papers, "No. 272" (marked, "Extract from Mr. Lovell's Letter"). About half this extract is also embodied in a letter from Lee to Jefferson Aug. 12 (*Letters*, ed. Ballagh, II. 112).

² Cf. Whipple's characterization of this scene, no. 488, *post*. See also no. 415, *ante*, and nos. 421, 424, *post*.

³ Such a motion by Lovell does not appear in the *Journals* July 17. Possibly it was forestalled by the motion of Burke, found in the *Journals* under July 16. Burke's motion, which is undated, was probably made July 17.

⁴ Cf. no. 401, *ante*. See also nos. 405, 411, 413, *ante*.

in the world for mak'g the declaration. the secret was communicated to a few select friends, before it was announced from the Chair. one of these elect, immediately transmitted it to a place some 700 miles distant, and afterward with a very grave white face pledged his honor to keep all mum. I charged him home, he laught guilt and did not deny. nevertheless I will not follow the bad example, nor do an inexpedient Act, because it is barely Lawfull. in due time you will know all.⁵ The appointm't of Doctor Franklin to be sole Minister at the Court of Versailles, has afforded the greatest satisfact'n ⁶ "and now the confidence of the Court will be no longer withheld". be this as it may, we receive no intelligence from our Servants, except from the suspected person,⁷ and his Accts. are as ample, as valid, and as clear as any we receive from the fountain above them. This is queer, he is suspected, not trusted, yet he is honest, learns and communicates everything.

Mr. A. Lee has apprized us of the ravaging scheme in Connecticut plotted at White Hall, which is at this instant in execution under the auspices of Genl. Tryon.⁸

If Congress now suffer Mr. D. to leave the American shore, before he shall have settled his Accts. or shall have given good and sufficient security to acct. for all the public money which has passed thro' his hands, we shall have to account for our own conduct to the People at large.

421. JAMES LOVELL TO ARTHUR LEE.¹

July 17th 1779 PHILADA.

Dear Sir,

I wrote to you on the 13th of June, but to my Surprise found the Letter in the commercial Committee Room on the 10th of July, the Martinico man having left it behind though he took the *Journals* and *Gazettes* to be forwarded by Mr Bingham to France and The Hague. My abovementioned Letter was sent under Cover to Mr. Adams to the Care of Doctr. Franklin it seems Mr. A will have left France before the *Polacre*, com'd by *Capt. Sapet* can reach it. It is needless to copy the whole as, now, the

⁵ In his letter to Adams July 10 (no. 401, *ante*) Lovell quotes both Thomas Burke of North Carolina and Meriwether Smith of Virginia as ready to reveal certain congressional secrets to their constituents, and speaks of one whom he calls "Gomez" as having openly talked a congressional secret. An examination of Lovell's correspondence suggests that he himself was not without guilt in this regard. See also no. 414, *ante*.

⁶ Cf. no. 401, *ante*. Writing for the committee of foreign affairs to Franklin, July 16, Lovell says: "We find by the Minister of France that your appointment has given high satisfaction to his court and we are encouraged to expect proofs of its most confidential reliance upon your character." Wharton, *Rev. Dipl. Corr.*, III. 248. The expression of Gérard on behalf of the French court is found in item 3 of the document "Ad Statum Legendi", *Journals*, July 14.

⁷ That is, Arthur Lee. To Franklin, Lovell wrote July 16: "We have had not a line from you of this year's date; indeed, I believe your latest is November 7, 1778" (Wharton, *Rev. Dipl. Corr.*, III. 248).

⁸ Cf. nos., 413, 414, 419, *ante*.

[421]¹ Harvard Univ. Lib., Lee MSS., VI. 86 (marked "private"); Wharton, *Rev. Dipl. Corr.*, III. 251.

Weeks of the *Journals* are printed to which I there referred largely. Some parts however I shall now repeat.²

Letters from A. Lee:

Aug. 7-11. 21 27 31.

Sep 9. 30

Oct 19 P. S. Nov. 29

Nov. 4 $\frac{15}{18}$ 20

I will now, Sir, add a few remarks. Your Quotation from Whitlock I have read in the Congress to strengthen what I have often urged there. Nothing can more naturally suggest itself to a Politician one would think yet I have affirmed Truth when I told you that the Com'tee was said to be now an useless Institution.³

What remark am I to now make upon Some of yr. Conduct referable to the 5th Line of the 3d page of this Sheet?⁴ I will not trust my own Judgement; but I suspect your most steady friends here will differ. I presume you meant to take their Opinion as you could not at such a distance judge of all Circumstances. Else why cover to R H or F. L. At present a Veil of Secresy is on the Business, as well as on that committed to R. H. or F L or J L. Your Letter defensory has been read.⁵ Yr. first Letter to Shelburn brought that Water up to the Eyes of some, who are evidently unfriendly to you, which is the Consequence of strong unexpected Admiration. The Letter from Jennings and your Answer are as valuable as a marble Pillar erected to the honor of yr. Probity and prophetic sound Judgement. Boux's is as honorary to him as a Sensible spirited Gentleman as it is disgraceful to others. All the other Vouchers were familiar to me. I have been so engaged and so unwell that I have only had the single chance of listening in Congress; but I shall renew my Pleasure soon.

The Report respect'g Supporting the Ministers was again recommitted this day but I told the House that I could not risque Censure by not officially informing Mr. W Lee and Mr. Izard of the Proceedings of the

² Lovell's letter of June 13 is printed *ante* (no. 345). The copy enclosed with the letter of July 17 contains numerous minor variations.

Lovell wrote to Captain Sapet July 10: "The Committee for Foreign affairs request your care of some pamphlets and gazettes for Doctor Franklin and Doctor Arthur Lee. The Minister of France has sent with his packets those of the Committee referring to the papers now forwarded" (Library of Congress, Papers Cont. Cong., no. 79, vol. I., p. 253, letter-book copy).

³ Cf. no. 345, *ante*, and no. 458, *post*. The quotation from Whitlocke is in a letter from Arthur Lee to Lovell Dec. 4, 1778 (*Life of Arthur Lee*, II. 152):

"Whitlocke, in the journal of his embassy says—'By this constant and perfect intelligence from Thurloe, Whitlocke had great advantage in his negotiation, being thereby enabled to give a perfect account of affairs, not only of his own country, but of most other places, to the great satisfaction of the queen and her court, and grandees, with whom Whitlocke had frequent converse, and from his private and public letters, was able to satisfy their curious inquiries after news'. . . .

"I am sorry to assure you that our situation is exactly the reverse . . . and trifling as it may appear, yet it is a fact, that as the reverse raised Whitlocke's credit, so this sinks ours."

⁴ The reference is doubtless to the question raised in the letter of June 13 (no. 345, *ante*), copied into this letter of July 17, with regard to Arthur Lee's resignation.

⁵ Lee's letter of defense dated Feb. 10, 1779. See the *Journals*, July 16; also nos. 415, 420, *ante*, and nos. 424, 496, *post*.

8th of June. How easy and how tollerably decent would it have been to have recalled their Commissions for the Reasons h[anded?] down in the original Report of the Committee of 13.—vid 2d head Apr. 15th, but the 4th head was meant to accomplish the point with you; the most sanguine not being discouraged at the Idea of killing Doctr. F—— secondarily, or sacrificing all Character in themselves of Impartiality upon the Ground-work on which they meant to gibit your Fame.⁶

But I have said all my Eyesight will allow at this late hour of the Night and the Express goes off at Dawn

Yr. affectionate Friend,

[Endorsed:] Recd. the 11th of Sepr. 1779. A. L.

J. L.

422. THE COMMITTEE OF FOREIGN AFFAIRS TO RALPH IZARD.¹

Sir

PHILAD'A July 17th 1779

Your letter of March 4th was read in Congress 3 days ago being then only first received by the Com'tee of foreign Affairs.

We should have been very happy to have received it before the 8th of June as it would undoubtedly have founded a Resolve of Congress more agreeable to us to communicate officially than that to which, we must now refer you, in their *Journals* printed authoritatively by David C. Claypoole, and which are in the hands of Doctor Franklin or Doctr. Arthur Lee at Paris.

We have till now omitted to forward to you that Resolve for your Recall from the Court of Tuscany, as we daily expected a Settlement of a definite Recompenze for yr. Services to the United States.² But the Modes of doing Business in such an Assembly as Congress will not warrant our detaining, until such settlement some important Papers committed to us to be sent to the Court of France.

We are with sincere Regards Sir

Your most humble Servants

JAMES LOVELL

for the Com'tee of for'gn Affairs

P. S. Sepr. 16. Yr. Letter of Jan'y 28th was read July 27th.³

⁶ See the *Journals*, Aug. 6.

[422]¹ Copied from the original (marked "3 plicate"), then in possession of Mr. Stan. V. Henkels of Philadelphia; Wharton, *Rev. Dipl. Corr.*, III. 253.

² To Franklin, Lovell wrote July 16: "A Report of the Treasury respecting the just Stipend of our late and present Ministers at foreign Courts is not quite determined upon. A Determination is peculiarly necessary as to Mr. W. Lee and Mr. Izard after the Proceedings here of June 8th" (Am. Phil. Soc., Franklin Papers, XV. 44, also XV. 16; Wharton, *Rev. Dipl. Corr.*, III. 248). Cf. nos. 286, 415, 421, *ante*, and the *Journals*, Aug. 6. A triplicate of Lovell's letter to William Lee (Harvard Univ. Lib., Lee MSS., VI. 88) contains a postscript of Sept. 16, not printed in Wharton (*Rev. Dipl. Corr.*, III. 253), "Your letters of Feb. 25, Mar. 8-16, 17, 25 have been read in Congress".

³ This postscript could of course have been appended only to belated copies. Izard's letter is in Wharton, *Rev. Dipl. Corr.*, III. 33. It was about this time, probably in view of this particular letter, that the parody on Izard's letters to Laurens was produced, found in Moore, *Materials for History*, first ser. (*Correspondence of Henry Laurens*), p. 86; Wharton, *Rev. Dipl. Corr.*, I. 591; N. Y. Hist. Soc., *Collections: Deane Papers*, III. 205. The parody has been ascribed to John Laurens, but Wallace, in his *Life of Henry Laurens* (p. 308) points out that the copy in the Pennsylvania Historical Society is not in John Laurens's writing, as averred, but in that of Henry Laurens's secretary, Moses Young, a fact which proves nothing as to authorship. In a letter to Henry Laurens Aug. 13, 1779, Richard Henry Lee offers his conjectures concerning the source of what he calls the "infamous stratagem" and its aims (*Letters*, II. 117).

423. THE COMMITTEE OF FOREIGN AFFAIRS TO THE NAVY BOARD OF THE EASTERN DEPARTMENT.¹

To the honorable Navy Board at Boston.

PHILADELPHIA 17 July, 1779.

Gentlemen

I send to your care some important dispatches for France with a few letters for persons in your neighborhood. Among the latter is one from the French Minister here to the French Consul at Boston, perhaps it may be important that it be quickly delivered. Mr. Secretary Avery will take the trouble of the other home letters. In regard to those which are for Europe, I must beg you in the name of the Committee of Foreign affairs, to send them at the first possible hour, off by the conveyance mentioned in the enclosed Letter from the Marine Committee. You will be pleased to give strict orders about sinking all that are marked to be sunk, in case of Capture. Let that Step not be rashly taken, but surely, when it becomes a duty. Discreet expedition on the Voyage is highly to be wished for. On arrival at port the Packets may be delivered to any known agent of these States, or to such royal officer as your Captain shall deem proper, that they may be immediately forwarded all together to Dr. Franklin, or the Count de Vergennes. If your Captain is a man calculated for the task and inclined to undertake the delivery at Paris, you may make that discretionary. He must not let choice of Port risque his packets when he reaches the Coast of France.

I am Gentlemen,

Your most humble Servant

JAMES LOVELL

424. HENRY LAURENS TO JOHN LAURENS.¹

PHILADELPHIA 17th July 1779.

My Dear Son,

. . . . Yesterday we received in Congress dispatches from the Honorable Arthur Lee Esqr. containing as complete a vindication, of his own and his Brother William's conduct, as I have ever seen in any case. every charge of Deane's 5th Decem. refuted, every article supported by vouchers. what a worse figure will this bad Servant make before his fellow Citizens to whom he appealed, when his narrative of 139 Pages of vanity, misrepresentation, falsehood and contradiction shall pass under the harrow of Lee's Pen. those who have hitherto been his supporters, appeared to be unhappy while the Papers were reading.² tell my friends they will find, that my resignation on the 9th December was, as I then said to them, the greatest act of my Life.

I have heard nothing lately from head Quarters. the very plentiful harvest, which we have now secured, leads to animation. we are talking of an immediate army of ten or twelve Thousand good Militia, these to

[423]¹ Library of Congress, Papers Cont. Cong., no. 79, vol. I., f. 238 (letter-book copy).

[424]¹ S. C. Hist. Soc., John Laurens Papers.

² Cf. nos. 415, 420, 421, *ante*.

join the Commander in Chief and to attack New York; a motion made by Mr. Dickinson seconded by Mr. Drayton that Congress should join the Army and act *en Militaire*. this shews more valour in those Gentlemen than of the wisdom and reflection of grave Senators, but who can restrain the ardor of fighting Men when an opportunity offers? the Motion is on the Table for consideration when it can be taken up consistently with Order.³

425. HENRY LAURENS, PROPOSED RESOLVE.¹

[July 19? 1779.]

That a committee be appointed to report a resolution or Proclamation to forewarn the Enemy that in case any Town Village or building belonging to the Inhabitants of any of these United States shall be wantonly set on fire by them, and it shall happen that the commanding officers of any such incendiary army or party shall fall into the hands of these United States that such commanding Officer shall be hanged or other wise capitally punished according to his dimerits.

[Endorsed:] Draught of an Act of Congress for Retaliation ²

426. THE MARINE COMMITTEE TO BENJAMIN FRANKLIN.¹

[July 19? 1779.]

Sir:

Inclosed you have a certified Copy of a Resolution of Congress dated July 19, 1779; by which you will perceive the Marine Committee are empowered and directed by Congress to carry into Execution their Manifesto of the 30 of Octr. 1778. In pursuance of this Authority and for the more speedy accomplishment of the Ends proposed, we authorise and most earnestly request you, to take every Measure in your power, to aid and assist us in the Execution of this Business.

It is not our Intentions to confine the Measures to be used on this Occasion to open and hostile operations; But on the contrary it is expected and we wish and desire that you would cause, at the Expence of the United States, any of the Towns of Great Britain or the West Indies, secretly to be set on fire. In particular London, Bristol, Liverpool, Glasgow and Edinburgh are to be considered as the first objects of national retaliating resentment; and above all, London, the Seat of royal Residence and vindictive rage and the quarter from which have issued the orders for the conflagrations which have by the Enemy been lighted up in these United States.

³ See the *Journals*, July 14 (p. 835).

[425]¹ S. C. Hist. Soc., Laurens Papers, XXVI.

² This motion is undated but was probably offered on July 19, upon the reading of Washington's letter of July 13, when, besides the appointment of a special committee on the subject, the marine committee was instructed to take measures to carry into execution the manifesto of Oct. 30, 1778. The resolve may, however, have been offered Aug. 2, when the special committee made its report. It does not appear that any action was taken on that report. See nos. 426, 429, *post*.

[426]¹ Papers Cont. Cong., no. 152, vol. VII., f. 495 (in the writing of William Whipple); the *Nation*, LXXXVII. 69.

America would have the Monarch see, that when provoked she can light up fires even at his own Doors. And in this Business it is requested, that you will use every possible Exertion. This Measure, in which so many Calamities are involved, and so contrary to the known and acknowledged Humanity with which Congress have heretofore carried on the present war, has at length become, for the sole and direct purpose of self preservation, absolutely and indispensibly necessary, from the cruel and unprecedented Manner in which our Enemies are daily carrying on the present War. Our Villages on the Sea Coasts are numerous, most of them defenceless, and all of them, with very few Exceptions, exposed and easily accessible to a naval Force, which renders them at any Time a prey to a savage and desolating Enemy.

The Towns of ————² here to fore laid in ashes, the late successful attempts in burning and destroyed [*sic*] the Villages of Fairfield, Norwalk and Bedford in Connecticut and New-York, and the unquestionable proofs Congress have received, that the Vengeance denounced against these States in the Manifesto of the British Commissioners will be executed in its fullest extent, has induced them, as the only effectual Means, to put a stop to the further destruction of our Country, to retaliate upon our Enemy by destroying, if possible, some of the most distinguished Cities in Great Britain and the West Indies.

Our Countrymen have long complained of the slow and forbearing disposition of Congress, when every day announces to them the destruction of some part of their Country. To meet these Ideas, they have at length solemnly determined to revenge themselves on their Enemies, and to leave untried no exertions for carrying into execution their Manifesto of the 30 of Octr., 1778.

A few *desperate* (*determined*)³ men, under the promise of handsome rewards, and well acquainted with the Situation of the large Towns in England and Scotland, will perhaps be the best instruments that can be employed for the Accomplishment of this Work. We do not however wish to point out any Mode that shall be obligatory upon you; your own Judgment and observation will readily suggest to you such steps as are most likely to answer the Ends proposed.

As the avowed Determination of the Enemy, as set forth by the British commissioners, is to render us of as little use as possible to our ally, perhaps it would not be improper, if Capt. Jones should be in France, and his own force is inadequate, to request further aid, and attempt the destruction of some of their Towns by a naval surprise.

How such a Measure will accord with the Sentiments of the Court of France, your Situation will best enable you to determine. If it should appear to you improper to communicate the Matter at all to the Minister of France, you will then forbear to do it.

² The report of the special committee, in the *Journals*, Aug. 2, mentions Portsmouth and Suffolk in Virginia, although Portsmouth stands erased in the document. See nos. 413, 414, 419, 420, *ante*.

³ The word "determined" is written above "desperate", both words being underscored.

We cannot conclude without once more earnestly pressing upon you, the Necessity of striking some blow similar to those suggested in the resolution of Congress. The destruction of a single village would instantly convince our Enemy of the Danger to which they are exposed, and the Necessity there will be, of desisting from the present destructive mode in carrying on the War.⁴

427. THE COMMERCIAL COMMITTEE TO OLIVER POLLOCK.¹

July 19th 1779

Sir,

The Affairs of this Committee being for several Months past greatly deranged occasioned by the frequent Succession of new Members in the Room of such as had left Congress, together with the Removal of their Books and papers to different Parts of the Country for safety when the Enemy took possession of this City, These Accidents prevented your several Letters being hitherto regularly answered. to remedy this Evil, Congress did on 14th December last appoint a new Committee of Commerce, who will be enabled to conduct their Affairs with regularity in future.

Upon laying your Letter before Congress this Committee procured the inclosed Resolves, by which you'll perceive they are fully empowered to exert every possible Means of making you Remittances,² but from the present local Circumstances of this Country it will not be in their Power to do any thing considerable until the new Wheat is manufactured, of which we have had this Season the finest Crops, both as to Quality and Quantity that has been known for many Years.³

428. WILLIAM WHIPPLE TO EBENEZER THOMPSON.¹

PHILADELPHIA the 19th July 1779

My Dear Sir

. . . . You are undoubtedly informed of the situation of our Military affairs in South Caro'a to the 10th of June, and the paper which I shall

⁴ On July 19, on receipt of the news of the enemy's ravages and devastations in Connecticut, a committee (Gouverneur Morris, William Carmichael, and William Whipple) was appointed on the subject, and at the same time the marine committee was directed to take effectual measures to put into execution the manifesto of Oct. 30, 1778. William Whipple, the writer of this letter, was accordingly a member of both committees. The special committee made, by the hand of Gouverneur Morris, a report Aug. 2 (see the *Journals*), but there is no record of any action taken upon it, other than that Secretary Thomson endorsed it "Burning Report"; neither is there any record that this proposed letter to Franklin was offered for the consideration of Congress, nor indication that such a letter was ever actually sent to Franklin. See, however, the extract from Lovell's letter to Franklin, July 16, quoted under no. 415, *ante*, and Franklin's reply, Oct. 17 (Wharton, *Rev. Dipl. Corr.*, III. 384). A history of the affair, by Mr. Worthington C. Ford, is in the *Nation*, LXXXVII. 69 (July 23, 1908). Cf. Laurens's Proposed Resolve, no. 425, *ante*.

[427]¹ Library of Congress, Papers Cont. Cong., L. 41 (copy), 196 (copy); A. B. Woodward, *Representation of the Case of Oliver Pollock* (1803), p. 4 (extracts).

² See the *Journals*, July 1. The committee wrote also (by the hand of Francis Lewis) to Franklin, July 21, requesting him not to permit Pollock's bills to be protested (Univ. of Pa., Franklin Papers, III. 22).

³ The copy at p. 196 shows the original to have been signed "Francis Lewis, by Order".

[428]¹ N. H. Hist. Soc., Weare Papers, VI. 115.

now inclose you will give you the last acco'ts from that Country;² to the same paper I must beg leave to refer you for all the acco't we have received of the Glorious event that has lately taken place at Stony point; If we should be so successful as to dislodge the Enemy on the other side the River, Sir Harry's Ravaging Plans will be very much if not totally disconcerted, however we may expect he will execute them as far as is in his power, as they were formed in the Savage Councils of Britain and being a favorite Project of that infernal Barbarian who we once called our King. And is it possible that there can be at this day a single person who has the most distant desire of being under the Government of such an execrable Villain? Future generations will not believe this part of our history much less will they believe that such wretched Miscreants are permitted to remain among us. I should be happy to hear that the authority of New-Hampshire were taking effectual measures to rid that state of all such miscreants, these People are justly chargeable with the greatest part of the miseries of this cruel war, and still they are suffered to remain quietly among us, doing all the mischief in their power.

The events of this Campaign will undoubtedly have great influence on next winters negociations it is therefore of the utmost importance that we use every exertion in our military operations to strengthen the nerves of, and give boldness to our negociator.

Our latest advices from Paris are the 6th apl there is nothing contained in the dispatches of consequence, that I may communicate at present. I can only say our affairs wear a much better aspect in every other part of the world than in our own Country. . . .

429. JOHN FELL, DIARY.¹

[July 19, 20, 1779.]

Monday 19th July. Commercial Committee. Congress A number of Letters and dispatches read Genl. Waynes with an Account of his having surprisd and taken the Garison at Stoney Point with 500 Men Genl. Washington's Letter with an Acct. of the Enemy having Plunderd New Haven and Burnt Fairfield Green Farms, Norwalk and Bedford etc.²

P. M. Marine Committee.

Tuesday July 20th. Com'l Committee Congress. This day taken up intirely in reading Letters of the cruelties committed by the Enemy in different Places etc. And according to Costom very little Business done.

P. M. Marine Committee.

² See nos. 391, 392, 395, 408, *ante*.

[429]¹ Library of Congress, Journals and Diaries.

² See the *Journals*. The proclamation of Sir George Collier and Maj.-Gen. William Tryon was an "Address to the Inhabitants of Connecticut" and besought them to return to British allegiance. A copy of this broadside ("New York: Printed by Macdonald and Cameron") is in the Washington Papers. It bears the date July 4, 1779. Cf. nos. 413 419, 425, 426, *ante*.

430. NATHANIEL PEABODY TO THE PRESIDENT OF NEW HAMPSHIRE (MESHECH WEARE).¹*Hon'd and Dear Sir,*

PHILADELPHIA July 20th 1779.

In my last which was wrote in great haste, I had the Hon'r of inclosing you several News papers and hand bills,² since which foreign letters have been received as late as the 6th of April '79 informing that Briton, finding herself baffled in her diabolical Efforts to subjugate the Good People of these States to the despotic dominion of a Dupe to an Ignominious Tyrant whose tender Mercies are Cruelty; destitute of that Humanity which never finds a sure habitation but in a generous breast, and contrary to the Laws and Customs of all Civilized Nations, had given express orders to their Commanding officers in America to kill, and destroy plunder and burn all the defenceless Towns in their Power; and in particular directed the late infernal Excursion to New Haven—a particular account of which enterprize no doubt you will have before this reaches you—nevertheless I herewith inclose the best accounts we have of all the late Menouvres of both Armies. I heartily congratulate my fellow Citizens on the favourable prospect at the Southward and the Lucky affair of Takeing by surprize Colo. Johnson with about 500 prisoners, and a very strong and important Fortress on the North River, which Circumstance will give New life and Vigour to our Troops, and furnish a historic page in the Annals of America.

Your delegates here have sent on to the State a Number of the *Journals* of Congress except for the year '78 which are not yet come from the printer, and the earliest opportunity will be improved in forwarding them when compleated.

P. S. . . .

431. NATHANIEL PEABODY TO JOSIAH BARTLETT.¹*Dear sir*

PHILADELPHIA July 20th 1779.

Your favour of the 3d instant Just came to hand. . . .

You ask Several Questions viz “is a French fleet expected on our Coast or up Canada river this year?” “will Spain intermeddle in the War?” “Can Congress procure a Loan of hard money?” “When will the Continental Lottery finish Drawing?” To which I answer

Circumstances have been Such as led us to expect the assistance of a French fleet on our Coast this Campaign; But as the hurricane months are advancing leave You to Judge of the probabillity.

The Catholicism of his most Supine Majesty has kept him, for a long time Open to all parties, and perhaps it was for the best, But have good reason to Conclude, Spain will Soon take an active part with us, against those whom they have long viewed with Jelousy Envy and Dread.²

A Foreign Loan for hard money Not Yet determind. our finances have been in a bad Situation but hope things are Comming Right

The drawing of the Lottery is at last Completed. . . .

[430]¹ Mass. Hist. Soc., C 81 A 103. Library of Congress, Force Trans., Weare, p. 102.

² See nos. 428, 429, *ante*.

[431]¹ Dartmouth College Lib., Bartlett Corr., vol. II. (“No. 3”).

² Cf. no. 444, *post*.

432. JAMES LOVELL TO SAMUEL ADAMS.¹

July 20th 1779

. . . . Last Saturday we got all *shook up together*, as I find some of your old Assembly-Men phraze it, about our Tomcod.² Sherman McKean etc. etc. have fallen upon Something that suits J. J. does and does not suit G M and W H D³ will do with some and will not do with others of the *Faction* mean'g your honor etc.

However, I hope a Decision will be made for I think we may make out to rub and go at least with the Ground work layd before you left us.

a pretty Letter this to be published in New York⁴ with the Name of
JAMES LOVELL

433. JAMES DUANE TO MRS. DUANE.¹

PHILADELPHIA 21st July 1779

. . . . you may be assured that I shall not expose myself, nor continue here one hour longer than indispensable duty requires. Some Matters of great Importance are drawing to a Conclusion: to leave them suspended I cannot answer to myself nor my Constituents: When they are finished I shall return and meet my Friends with Confidence and a Conviction that I have faithfully done my Duty, and that I have obtained a Title to future Indulgence if not to the Esteem of my Country.

. . . . We hear, with Horror, of the Devastation committed by Governour Tryon in Connecticut. While it will tarnish the glory of the british nation and render them odious to all Europe: the miserable Instruments in this tragedy will be execrated and detested—In a political View it will have an Effect directly Contrary to what is intended. Americans can never be worked to submission by Cruelty and Devastation. Their aversion to their Destroyers will become deeper rivetted: and their Efforts to defend themselves more strenuous and decisive.

I flatter myself we shall have a glorious campaign in every Quarter and that the almighty Being who has hitherto so manifestly protected us will soon bring this War to a safe and honorable Conclusion. . . .

434. SAMUEL HOLTEN, DIARY.¹

[July 21, 1779.]

21. Congress spent part of this day respecting a Portugal vessel taken by orders from Carter Broxten² and have ordered prosecution against him.

[432]¹ N. Y. Pub. Lib., Samuel Adams Papers.

² That is, the fisheries. See the *Journals*, July 17.

³ John Jay, Gouverneur Morris, and William Henry Drayton.

⁴ Alluding to the possibility of capture by the British and publication in Rivington's *Royal Gazette*.

[433]¹ N. Y. Hist. Soc., Duane Papers, I. 39.

[434]¹ *Essex Inst. Hist. Colls.*, LVI. 25.

² Carter Braxton. See nos. 398, 405, *ante*, and no. 435, *post*.

435. JOHN FELL, DIARY.¹

[July 21, 22, 1779.]

Wednesday 21st. Com'l Committee Congress. The Report on Duarte the Portugeze took up the whole day in debate.²

Thursday 22d. Com'l Committee Congress. After the dispatches were read, the order of the day on foreign affairs. long debates and some resolutions agreed to. Marine Committee Mr. Camp³

436. GOUVERNEUR MORRIS TO ROBERT R. LIVINGSTON.¹

PHILADELPHIA 22d July 1779

Dear Robert

The enclosed papers will shew you that the Fisheries are a daily subject of contemplation and your own good sense will shew how much weakness there is in the argument for insisting on an acknowledgment of common right to them in America. Tis peculiarly unfortunate for the people and for Congress that subjects of this sort should be thus publicly agitated; without divulging the secrets of Congress it is not practicable to place the subject in its proper light and yet unless that is done the people will probably be deluded and if it is done Congress must become contemptible abroad and consequently insignificant at home. Those who have contended for insisting on this acknowledgement from Great Britain as an ultimatum begin to perceive that it is extreme bad policy and the certain way of losing the thing when if proper measures be taken it must certainly be gained. . . .

437. SAMUEL HUNTINGTON TO JEREMIAH WADSWORTH.¹

PHILADELPHIA 22d July 1779

Sir

I am favoured with yours of the 15th Instt. am sensible you Labour under many difficulties in the present Situation, but hope for the best, Circumstances will admit of.

The design of the late Resolution² for borrowing twenty Million was to put the lender in such Circumstances as to secure the real value of his money both principal and Interest in any given circumstances in future. it is founded in this principal that the value of the bills will not depreciate if the quantity in circulation is not increased, and the lender is at Liberty to keep his money in the fund and not receive the principal whenever the quantity in circulation is greater than it was at the time he put the money in, and his Annual Interest is to Increase in the Nominal sum in

[435]¹ Library of Congress, Journals and Diaries.² See no. 434, *ante*.³ The entry appears to have been left unfinished. It may have pertained to Caleb Camp, speaker of the New Jersey assembly, though there were others of the name in New Jersey.[436]¹ N. Y. Pub. Lib., Bancroft Coll., Livingston Papers, II. 191 (copy).[437]¹ Conn. Hist. Soc., Jeremiah Wadsworth Papers.² The resolution of June 29.

proportion as the Sum in Circulation is Increased since the time he put his money into loan, if such case should happen.

The plan of this Resolution is so much approved that in one day in this City half a Million was subscribed.

Congress are determind to stop Emitting which they may certainly do if the people at large will chearfully Contribute by loans and Taxes according to their Ability.³ I heartily wish that Congress were removd from this City for various reasons. have no Intelligence here or from the Southerd, more than the papers contain.

438. JOHN DICKINSON, PROPOSITIONS FOR A TREATY OF PEACE.¹

Mr. President,

Having very deliberately considered the Treaties between His Most Christian Majesty and the United States, the Memorials of the Minister Plenipotentiary of France of February 9th 1779, March 7th March 30th May 3d May 6th May 9th May 22d and May 27th following, his Communications in Conference on the 13th of February aforesaid, and on the 12th of this Month, the little Progress yet made by Congress towards a Completion of the Business herein mentioned, The importance of that Business, the Danger of Delay, the Situation of foreign and domestic affairs, the Conduct of other Nations in vindicating their Independance and Rights, the Distance of these States from Europe, and the manner in which the Deliberations of Congress on the said Memorials Communications have been conducted, I esteem it my indispensable Duty to propose another Mode of proceeding thereon for facillitating and accelerating those Deliberations, a mode, in my humble opinion, by its Nature more adapted to the Exigencies of Negotiations, and in which, at the same time every proposition, Question of Difficulty that can be thought of by us, may in a regular Disposition receive its fit arrangement, due Consideration and proper Qualifications.

These purposes, it is apprehended, will be most speedily and effectually attained by throwing our Resolutions into the form of a sett of Instructions to the Minister Plenipotentiary who shall be appointed on our part to carry on the Negotiation in Conjunction with the Minister or Ministers of our Ally, under the Mediation of his most Catholic Majesty.

I have essayed a form of this kind, in which I have endeavoured to trace the Turns that may take place in the Course of the Negotiation. I have not the Presumption to think it compleat, but as it will be sufficient to convey to Congress our Idea of the Plan, their Wisdom, if it is approved, can easily supply its Deficiencies. on the other hand, it is very likely, that, to guard against Embarrassments that may arise from illimitable Contingencies, Some Stages are mark'd at which the Negotiation may never arrive, and some Questions and Difficulties stated, that may not be therein mentioned. For this it is hoped, that the Remoteness of

³ Cf. no. 440, *post*, and see the *Journals*, Sept. 1, 3, 8, 13, and nos. 505, 508, 516, *post*.

[438]¹ S. C. Hist. Soc., Laurens Papers, Misc. Docs., 1776-1783, no. 29 (copy).

the plan intended for treating, and the pointed Expressions of the Minister of France on the Subject, will be allowed as Excuses. If they occur, your Minister will be instructed on them. If they do not occur, they will be at worst, but useless.

Sir, It will appear from these papers which I propose to deliver in to your Hands, that I would give my vote for a Pacification, if it cannot possibly be more advantageously obtained, upon Terms that with some members of this House will be inadmissible. In so momentous an affair I should tremble to think of trusting to my own judgement in contradiction to that of persons whose Characters give so much weight to their sentiments. I do not trust to it. I find the Ideas I venture to express, approved by Gentlemen of distinguished abilities and Integrity, and I have the Satisfaction of knowing, that my Principles of Conduct in this Business can be justified with a most remarkable application by the Examples of those great Statesmen and excellent Patriots whose Prudence and virtue unbias'd by plausible pretensions and undaunted by threatening oppositions established the Freedom Sovereignty and Independence of the United Provinces of the Low Countries.

Yet these authorities, great as they are, have not detached me so far from a differential Regard for the opinion of those who differ from me, as perhaps future Events may prove I ought to have been if I could more effectually have resisted the Influencies of a Regard so Extensive.

But, a just attention to what concerns myself, renders it necessary not to confine my observations to the following form of Instructions, because, it contains not all the Measures in which I will most heartily join, for assuring as far as We can to these States the important Fisheries of North America. On this Head, besides what is mentioned in the following form, I cheerfully assent to these Resolutions.

1st. That no article shall be inserted in the expected Treaty, by which the Right of all these States or the Exercise thereof by any of these States to take Fish on the Banks of Newfoundland and other the fishing Banks and in the Seas of North America excepting as in the following Resolution is excepted, shall be given up or in any manner impaired.

2d. that the Faith of the United States be mutually pledged by and to each other, that, the Treaties of Paris, in 1778 being always preserv'd inviolate, in case Great Britain shall after the Conclusion of the War disturb the Inhabitants of any of these States in the Exercise of the said Fisheries any where excepting within three Leagues of the Coast of the Territories that shall remain to great Britain at the said Conclusion, or such distance as shall be established in the expected Treatie of Peace approv'd by these States, the other States shall if required by the State so disturbed regard such Disturbance as an Act of open Hostility against all the States, and shall make Common Cause in support maintenance and Defence of this right to the Said Fisheries.

It has not been thought necessary to lengthen the following form by dilating on those articles that are usual in Treaties, and therefore cannot be expected to occasion much delay; nor on the Determinations, to be taken concerning Spain, upon the Representations of the Minister of France respecting a Connection to be made with that kingdom, because,

it is apprehended, that the Deliberations of Congress on that Subject will not be perplex'd with any troublesome Intricacies.

Sir, I am perfectly aware of the Reproaches I shall incurr and of the Hazards I shall run, by committing Myself in a Manner so contradictory as I now do to the Sense of great numbers of my Countrymen more ardent tho not more zealous than myself in our righteous Cause.

An attack upon me is already begun, in consequence of what past some days ago relative to these points. But I should be unworthy of a Seat in this Honorable Assembly, if Reproaches and Hazards of any kind could divert or deter me from executing the high office conferr'd upon me by my confiding Constituents, in that manner, which according to the best judgement I can frame on a view of all Circumstances and the most mature Deliberation of which I am capable, I think most likely to promote their welfare.

Two Rules I have laid down for myself throughout this Contest, to which I have constantly adhered, and still design by the Divine favor to adhere—first, on all occasions where I am call'd upon as a Trustee for my Countrymen to deliberate on questions important to their Happiness, disdaining all personal advantage to be deriv'd from a suppression of my real Sentiments, and defying all dangers to be risked by a Declaration of them, openly to avow them; and Secondly, after thus discharging the Duty, whenever, the public Resolutions are taken, to regard them tho' opposite to my opinion as Sacred because they lead to public Measures in which the Common weal must be interested, and to join in supporting them as earnestly as if my voice had been given for them.

While I believe in my Conscience that I am faithfully serving my Country I shall deplore but not dread her Resentment if I happen to offend her. She is my Parent. as a dutiful son, I shall kiss her correcting Rod. Let her strike but let her also hear me. If the present day is too warm for me to be calmly judg'd, I ever credit my Country for justice some years hence. Tis true, I may be mistaken, but sufficient it will be for my vindication, if it be decided, that my Conduct is influenced by what I think right, for then it must be influenced by Honesty and affection.

Whatever may be the Merit or Demerit of my Behavior on this great occasion, I beg, that these papers Signed by me, may be received by Congress, and kept among their Records, that I may not be injured by misapprehensions, nor have it in my power to elude a charge, but, may stand or fall by evidence under my own Hand voluntarily delivered by me at the time of the Transaction.²

July 22d 1779

JOHN DICKINSON

[Endorsed:] Scheme for Treaty of Peace etc. by J. D. Esquire

² By "these papers" Dickinson means this address and his draft of instructions for the negotiation of peace, no. 439, *post*. Dickinson had been appointed June 17 on a committee to prepare the form of a commission to the minister who may be appointed to negotiate a peace. For the further proceedings, see the *Journals*, June 19, 24, July 1, 6, 17, 22, 24, 29, 31, Aug. 3, 4, 5, 7, 13, 14. On Aug. 4 a committee of which Dickinson was a member, was appointed to draft the instructions, but that paper appears to have been drawn by Gouverneur Morris.

439. JOHN DICKINSON, DRAFT OF INSTRUCTIONS FOR THE
NEGOTIATION OF PEACE.¹

Inclosed you will receive a Commission appointing you Minister plenipotentiary for treating with Great Britain, together with several resolutions of Congress on that Subject.

This Treaty, we have Reason to believe, will be managed under the Mediation of his most Catholic Majesty. Immediately on the Receipt hereof, you are to apply to his most Christian Majesty, desiring he will be pleas'd expressly to guaranty to these States the Exercise of the Right of fishing on the Banks of Newfoundland and other the fishing Banks and in the seas of North America, at a reasonable Distance to be ascertain'd in the Guaranty from the Coasts of the Territories that shall remain to Great Britain at the Conclusion of the War, preserving inviolate the treaties of Paris between his Majesty and these States.

You are to assign as Reasons of this Request, the very great Anxiety of the people of these States to have those Fisheries assured to them more plainly than they appear to be by the Treaties abovementioned—the Dependance of many of them thereon for their subsistence—the Difficulties to be apprehended, if the Minds of the Inhabitants cannot be in some Manner quieted on this point—the Confidence reposed in his Majesty's Magnanimity and in his Disposition to promote every Measure essentially necessary for the Happiness of these States.

Whatever may be the Effect of this application, you are to² declare, that you are ready to treat with Great Britain on her directly Acknowledging in good Faith and Form the Liberty Sovereignty and Independance absolute and unlimited of these States as well in Matters of Government as of Commerce.

If this Acknowledgement cannot by any Means be obtained, and you find it absolutely necessary to admit some *mezzo-termine*, you may propose this Mode of Expression, that "the King of Great Britain agrees to treat with the people of New Hampshire, Massachusetts Bay, Rhode Island and Providence plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, as free and independant States whose Sovereignty is absolute and unlimited as well in Matters of Government as of Commerce"; and from insisting on this Mode of Expression you are in no Manner to recede, unless it be to admit some other more strong and positive in favor of the Freedom Sovereignty and Independance of these States.

[439]¹ Harvard Univ. Lib., Sparks MSS., no. 49, vol. I., f. 78. At the head of the first page Jared Sparks has written, "Dickinson's Draft of Instructions to Commissioners (apparently not adopted)". He has also inserted there the date "July 22, 1779". A printed text, with minor errors, is in *Memoirs of the Historical Society of Pennsylvania*, XIII. 414.

² At this point the following was erased, "proceed to treat, taking Care in the first place, that the powers of the British Minister or Ministers are in good Form and sufficiently full and that nothing is contained in their Credentials derogatory to or in any Manner impairing the Freedom Sovereignty and Independance of these States absolute and unlimited as well in Matters of Government as of Commerce". Nearly the same words are used in a later paragraph.

If the Treaty proceeds on the former or on this Footing, you are then to insist on the Form of Acknowledgement that shall be adopted being inserted in the Treaty, on the Limits of these States being ascertained according to the first of the inclosed Resolutions, an immediate evacuation of all places within those Limits by all the British land and naval Forces, the full Enjoyment thereof by these States, a Release of all Prisoners without Ransom,³ and from these points you are in no Manner to recede. You may also insert such other articles as are usual in mere Treaties of peace, of which kind we will send you some precedents, if it shall be thought necessary.

You are to observe, that you are not to propose the last mentioned Mode of Expression, unless you are perfectly assured, that no treaty with Great Britain can be had but by admitting some such Mode, and unless the French and Spanish Courts shall solemnly declare their Sense of the treaty of Alliance in 1778 to be, that France is not thereby bound to contend for one more strong and positive in favor of these States—and France will not agree to contend for such an one⁴—and unless you are convinced, that both those Courts will be highly disgusted by your refusing to admit some such Mode, as is before mentioned.

In proceeding, you are to take especial Care, not only that the powers of the British Minister or Ministers are sufficiently full, but that the Credentials for treating with these States are done and expedited substantially in the Manner usually practised by Great Britain in treating with other Sovereign powers in Europe, and that nothing is contained therein derogating from or in any Manner denying the Freedom Sovereignty and Independance of these States absolute and unlimited as well in Matters of Government as of Commerce.

You are to endeavour by all Means to procure the Treaty of peace to be signed and ratified by Great Britain, before you proceed to a treaty of Commerce. If the British Ministers shall positively decline the former, unless the Terms of the latter be in some Degree previously determined, and this cannot be avoided, you are to declare, that immediately after the Treaty of Peace shall be signed and ratified on the part of Great Britain you will sign a Treaty of Commerce on just and reasonable Terms. If an Explanation of these Words be urged, you may declare, that you are not authorized to say anything more on the Subject, till the Treaty of peace shall be signed and ratified as aforesaid—that when that shall be done, the Respect due to the exalted Dignity and undoubted Equity of the Mediating power, a Regard for the Honor of the United States, together with the earnest Desire they feel of demonstrating to the whole World on this signal Occasion that Moderation of Temper by which they wish to be always distinguished, will forbid them to advance

³ After the word "Ransom" a space of about four lines in extent is left blank, as if with the thought of including other demands.

⁴ This clause is probably not an interjected assertion, but an additional condition, the meaning doubtless being, "or if France will not agree to contend for such an one". Farther on the precise clause is again interjected in the same manner; but near the close, in a similar connection, the idea is definitely expressed in a conditional form, "if she will not agree to contend for it".

propositions inconsistent with the Sentiments impress'd by the foregoing Considerations, besides, that a proper Attention to the well known Advantages to be expected from the British Friendship and Commerce, would prevent them from insisting on any points that might justly cause an Obstruction to their receiving those Advantages.

If the British Minister shall utterly refuse to sign the Treaty of peace and to procure its Ratification aforesaid without a further Explanation of the Treaty of Commerce, you are with equal Firmness to refuse such Explanation, and you may alledge, that the two Treaties are distinct in their Nature—that the one is founded on the Maxims of Religion and Humanity and calculated for putting an End to the Effusion of Christian Blood and to the Calamities of War—the other founded on the Motive of Gain—that to refuse an Assent to the first, unless the Measure of the latter be previously ascertained, would be to sacrifice the noblest principles of Conduct to Views of a far inferior Value—that the method proposed by you is not unsupported by precedents—but, to mention no more, that the Treaty of Commerce between Spain and the United provinces was not brought to a Conclusion till a considerable Time after the Treaty of peace at Munster.

If the Explanation shall be still insisted on by Great Britain, and you find Reason to be convinced, that the Treaty of peace will fail on your withholding it, you are to endeavour in the most prudent Manner you can devise to discover the Conditions on which she will consent to a Treaty of Commerce, particularly, whether she will agree to insert an article in it, not to disturb the Inhabitants of these States in the Exercise of the Fisheries on the Banks of Newfoundland and others the fishing Banks and in the Seas of North America, with a reciprocal one on the part of these States, limiting a reasonable Distance, if required by her, within which neither party shall in the Exercise of such Fisheries approach the Coasts of the other, whether of the Continent or Islands.

If you can be entirely assured, that Great Britain will agree to insert such an Article, then, you may proceed to an Explanation of the Terms on which you will sign a Treaty of Commerce—the Basis thereof to be an Equality and Reciprocity of Benefits—preserving inviolate the Treaties of Paris in 1778—and taking Care, that the said Distance be so limited, as not to be less than about three Leagues, nor greater than about fifteen Leagues.⁵

If the Insertion of the Article aforesaid cannot be obtained, you are then to propose this mode of Expression “that Commerce shall in every Respect be restored to the same State in which it was before the War, excepting every Exclusion, Restriction and Regulation prior to the Treaty in preference of Great Britain to any other Nation now in or that hereafter shall be in Amity with these States, or in any Manner or by any Construction implying a Dependance or Subordination of the States on

⁵ A short paragraph is here erased: “If the Treaty of peace shall be signed and ratified on the part of Great Britain in Manner beforementioned without the suggestion of any Difficulty concerning Commerce, and you proceed to this Head, you are to treat on the Basis aforesaid.” The paragraph is introduced with slight modification farther on.

or to Great Britain or the Crown thereof"—and from this Mode of Expression you are in no manner to deviate unless it be to admit some other more strong and positive in favor of these States.

But you are to observe that you are not to propose this Mode of Expression unless the French and Spanish Courts shall solemnly declare their sense of the Treaty of Alliance in 1778 to be, that France is not thereby bound to contend for one more strong and positive in favor of these States—and France will not agree to contend for such an one—and unless you are convinced, that both those Courts will be offended by your refusing to admit some such Mode as is before mentioned.

If this Mode or one more favorable to these States is admitted, yet if it amounts not to the express Stipulation aforesaid, you are if possible to procure the Delivery to you of a Testimonial from the Mediating power, that the Exercise of the Right of these States to the said Fisheries was effectually allowed by Great Britain tho not expressly mentioned in the Treaty, the said States having declined at the Request of the Mediating power to insist on the Insertion of the said Article.

You are however to understand, that the Insertion of such an Article is not to be so far insisted on as in the Manner before mentioned, except in the Case of a Refusal by France to enter into the Guaranty aforesaid; for if she shall actually enter into the same, you are to endeavour earnestly to procure the Insertion of such an article; but if you find your insisting upon it will break off the Treaty and displease the French and Spanish Courts, you are to decline urging the Insertion.

If the Treaty of peace shall be signed—and ratified on the part of Great Britain in the Manner before mentioned without the Suggestion of any Difficulty concerning Commerce, and you then proceed to that, you are to treat on the Basis aforesaid.

Whenever in the Course of the Conference, the Fisheries shall be mentioned, you are to propose for avoiding Disputes, the Insertion of the article aforesaid relating to them. If this proposition shall be objected to, you are in support of it, to alledge the Common Right to such Fisheries—the Right vested in these States by Occupancy and the Necessity of procuring Subsistence—and the right of Compensation for the Expenses and Damages of an unprovoked defensive war.

The Arguments in Support of the first and last of these Topics, you may draw from the Principles of Justice and the Laws of Nature and Nations. As to the second, if it shall be said, that the Right vested in these States by Occupancy, was vested in the Inhabitants as Subjects of the British Crown, you are to observe thereon—that these Inhabitants were a part of the people of the Empire, and that on a just Separation of the people, a partition of the Rights before exercised in Common, becomes also just, as attached to the Persons of those thus separating and before the Separation thus exercising those Rights—otherwise, the first Injustice in causing a separation would become a foundation for and a sanction of a second Injustice—which is a proposition operating too strongly against the Universal Sense of Mankind to be supportable—that this Argument is greatly fortified by the Necessity of procuring Subsistence.

tance, a necessity that is allways growing more strait by the Encrease of Inhabitants—that this right is also strengthened by this Circumstance, that the Dominions in North America which may remain to Great Britain on a Pacification have been acquired or secured to her by the Exertions of these States as well as her own—that a Right thus vested in them cannot be justly impaired in any Manner by the prosecution of such a War as that between Great Britain and them, or any Separation thereby occasioned of the Members of the Empire—that a Right of trading to the East Indes acquired only by Occupancy and but for a short Time and “*flagrante Bello*” between Spain and the United provinces, was confirmed to these at the peace of Munster—a *fortiori*, should this Right so antient, so established before the War, so continued and uninterrupted, be confirmed to these States.

You may also give up on behalf of these States any Trade to the East Indes and to Africa while they continue undisturbed by Great Britain in the said Fisheries.⁶

If Great Britain shall utterly refuse to treat of a perpetual peace, but shall offer to treat of a Truce, and the French and Spanish Courts shall solemnly declare their sense of the Treaty of Alliance in 1778 to be that France is not thereby bound to contend for a perpetual peace—if she will not agree to contend for it—and if you are fully assured, that the treating of and agreeing to a Truce cannot be denied or delayed⁷ by these States without highly offending those Courts, you are then to proceed to treat of a Truce; in treating of which, you are to conduct yourself in the Manner herein before pointed out for treating of a perpetual Peace—to use all the means in your power to procure as long a Truce as can be obtained—and as great Security as will be agreed to against any considerable land or naval Forces being kept by Great Britain in the Dominions that may remain to her in North America, at the Conclusion of the War—on which Heads you are to regulate yourself by the necessity you shall find imposed upon you of conforming to the Sentiments of their most Christian and most Catholic Majesties.

In the Course of the Negotiations you are not to omit any opportunity of sending to Congress the earliest advices of every step taken therein, and of every Difficulty that occurs, so as to enable Congress to judge in the most full and ample Manner of all the proceedings. In sending these advices, you will use every precaution to prevent your Dispatches falling into the Hands of the Enemy, and you will also send so many Copies of each Letter as to remove every probability of our failing to receive the Intelligence designed for us.

JOHN DICKINSON.

July 22d, 1779.

⁶ A space of some four inches between this and the next paragraph is left blank, as if there were other provisions of this character which Dickinson had offered in his remarks to Congress, or contemplated offering.

⁷ Dickinson first wrote “refused”. Similarly, just above, he substituted “assured” for “convinced”.

The substance of these papers⁸ was delivered by me to Congress on Saturday the 17th of July 1779, after Congress had postponed the Resolution then under Consideration.

J. D.

440. JOHN DICKINSON TO THOMAS RODNEY.¹

PHILADELPHIA, July 22, 1779.

Dear Sir,

. . . . Your reflections on our loan, and on some other proceedings, I fear, are too well founded. Our difficulties are prodigious. We see the wisdom of your proposal to stop the presses—we perceive taxation to be of as much importance as you mention—we are desirous of borrowing on the lowest terms—but, while we have so many thousands to supply with necessaries, and while the demands upon us for the articles we must purchase are daily and hourly rising upon us, with such a boundless stretch—to what purpose are loans and taxes?

I have esteemed it my duty since I have been in congress, to keep my eyes constantly fixed on the preventing further emissions, and several steps have been taken towards that point, that are known but by very few to lead towards it: some others are now under consideration, and I am impatiently waiting for the moment, when a prospect of carrying on affairs without further emissions, and a likelihood of succeeding in the attempt, will permit me to move for stopping the presses.²

441. JOHN FELL, DIARY.¹

[July 23, 24, 1779.]

Friday 23. Com'l Committee Congress. Letter from the Prisoners at Long Island, Referrd to a Committee of 3. Sundry Reports from the Board. the B'd of War and Treasury.² New Regulation in the Hide department etc. P. M. went to the Marine Committee Secretary not there

Saturday July 24th Commercial Committee³ Congress Sundry Letters and Reports Genl. Wilkinson was Balloted for Clothier General. Order of the day on foreignn affairs, after long debate as usual, and an amendmant offerd per Mr. Dickinson the Previous Question was Put per Mr. McKean and carried

⁸ By "these papers" Dickinson doubtless means this document and the address which he delivered upon its presentation (no. 438, *ante*). John Fell records (no. 418, *ante*) that Dickinson read these propositions in Congress July 17.

[440]¹ Niles, *Principles and Acts of the Revolution* (1876), p. 253.

² Cf. no. 337, *ante*.

[441]¹ Library of Congress, Journals and Diaries.

² It was on this day that Gerry offered his propositions on finance, upon which a report was brought in July 30, and again taken into consideration Aug. 9, 27, 28. See nos. 449, 461, *post*. There was also an extensive report from the committee for regulating departments. See no. 608, *post*.

³ A letter from the commercial committee, July 24, to President Reed of Pennsylvania, relative to the shipment of supplies to Santo Domingo for the use of the French forces, is in *Pa. Arch.*, first ser., VII. 579. President Reed's reply, suggesting a technical fault in the request, is *ibid.*, p. 588, and a revised letter from the committee, July 31, is *ibid.*, p. 603. See no. 449, *post*.

442. WILLIAM WHIPPLE TO JOHN LANGDON.¹

PHILADELPHIA 26th July 1779.

Dear Sir,

I am favored with yours of the 5th inst. and in conformity to your desire have mentioned the several matters to the Commercial Committee. As the Commercial business is entirely out of the line of the Navy Board they think it improper that such accounts should be settled by that Board, besides they are not authorised to give any such instructions. . . .

The last accounts from South Carolina were under 23d June. our prospects were then flattering. perhaps another week may produce agreeable intelligence from that quarter, but I hope there will be no *public rejoicing* till the intelligence comes from such authority as will justify the fullest belief. . . .

443. JOHN FELL, DIARY.¹

Monday July 26th. Commercial Committee Congress. This day the Particulars of the glorious affair of the taking the fort and Garrison at Stoney Point per Genl. Wayne with his Letter and General Washingtons on the Occasion, with the Colours of the 17th Regt., were brought to Congress. Sundry dispatches were Read.² (NB Mr. Houston not at Congress)

[442]¹ Library of Congress, Force Trans., Whipple, p. 697.[443]¹ Library of Congress, Journals and Diaries.² See the *Journals*. The letter of Edward Langworthy may properly be reproduced here:

"PHILADELPHIA, July 25th 1779.

"Sir,

"I think it my duty to inform your Excellency, that the house I lodge in was last Evening beset by a Number of People, headed by Colonel Bull and Mr. Peale, two of the Committee of this City; that after they had insulted Miss Humphreys and dangerously wounded her in the head, being forced to quit the House; they continued to insult Mr. Humphreys, and several times made attempts to break into the House, with a design to seize on his Person, as well as on myself; not venturing to force the doors of the house, they by some means and under some pretence, brought before the Door a Serjeant with six or eight of the Guards of the Continental Troops, stationed in this City, and threatened to attack and force the house. By the Interposition of a Gentleman present, Mr. Humphreys continuing, with great resolution, on the defensive, they retired towards the morning without ["effecting it" erased] attempting it. This day I am informed in a way, which leaves no room to doubt of the Truth of the Intelligence, that the same People are to seize to morrow, some time when they may judge convenient for their purpose, on Mr. Drayton, Mr. Govr. Morris, Mr. Deane and myself and probably will force us to appear before the Committee. I have for several weeks past daily expected my Commission from the State of Georgia, appointing me to a seat in Congress, which has been delayed to be sent on, by reason of the Invasion and distresses of the State. During this I have in all respects demeaned myself as a good Subject of these States, and consider myself intitled to the protection due to one; but when I see the Arms and Troops of these States, turned by one part of the Subjects, acting without any legal Authority, on the other, I am very apprehensive for the Consequences, and should hold myself inexcusable, if I delayed giving you and the honorable Congress the earliest Information.

"Situated as I am myself, being a Subject of a remote, and at this time distressed State; and as Affairs in this City evidently are, at this time; I appeal to the honorable

Tuesday July 27 1779 Com'l Committee Congress. After sundry Letters and dispatches were read the Report for the Officers to be allow'd half Pay for Life and a further subsistence began to be debated. Mr. Houston my Colleague strongly oppos'd the motion.

444. WILLIAM WHIPPLE TO JOSIAH BARTLETT.¹

PHILADELPHIA 27th July 1779

My Dear Sir

Your favor of the 10th inst. is now before me. looking over my minutes I find I have wrote you several times since the 27th may and that I have punctually discharged my debts in that way, as to numbers. You seem to be somewhat alarmed at the New York and Newport publications which are circulated by the Tories and Suspicious Characters.²

Congress for protection, against the Outrages I have reason to apprehend, and also to inform them of what has been talked of against others.

"I am, most respectfully

"Your Excellency's most obedt. and very humble Servt.

"EDWARD LANGWORTHY.

"His Excellency John Jay Esqr."

Sept. 18 a letter (dated Sept. 17) from John Bull and Charles Willson Peale was read in Congress, declaring Langworthy's charges to be groundless, erroneous, and unjust, and praying "that as Congress have admitted Mr. Langworthy's Letter, which we are able to prove is not founded in Truth, they would likewise admit, or put the matter in such a point of view upon their Journals as may do us that Justice which our Characters deserve". Bull and Peale make nevertheless an acknowledgment in their letter which is of especial interest as pointing directly to the origin of the affair.

"It is true", they say, "that at the House where Mr. Langworthy Lodged a number of Respectable Citizens (who Saw the Cause of our Country Injured, by sundry Publications, Signed Cato, etc., Traducing the Characters of those, who from the first as well as in the worst of times, have Invariably been its Support) were assembled".

It was on the very same day, in fact, in the evening of which occurred the affair of which Langworthy complains, that one of "Cato's" articles appeared in the *Pennsylvania Evening Post* (see nos. 360, 401, *ante*; the article is found in N. Y. Hist. Soc., *Collections: Deane Papers*, IV. 15, and is there attributed to Whitehead Humphreys). It was likewise on the same day that the Committee of Philadelphia addressed, through the columns of the *Pennsylvania Packet* (found in *Deane Papers*, IV. 19), a communication to Robert Morris touching the charges which that committee had some time before made against him. A few days later occurred an episode in the controversy between Silas Deane and Thomas Paine, in which Peale was involved, together with John Nixon and James Wilson, as a result of which Peale came out in defense of Paine, and Paine in a characteristic diatribe respecting the same affair (*ibid.*, pp. 25, 27; *Pennsylvania Packet*, July 29, 31). To this article Paine added the following postscript:

"As to Whitehead Humphreys, I give him my full and free consent to publish whatever and whenever he pleases, and under any signature he likes best; promising on my part to make no reply thereto, if he, Whitehead Humphreys, will to each of his future pieces add at the bottom the following words, viz.:

"This is published by the same person who inserted several libellous productions under the signature of "Cato", in Benjamin Towne's Evening Post of July, 1779, which were so infamously false that the author or carrier of them, in order to avoid the shame and scandal of being known, tied the Printer down to such strong obligations to conceal him, that nothing but a halter could extort it from him."

[444]¹ Dartmouth College Lib., Bartlett Corr., vol. II.

² Bartlett wrote July 10 (Library of Congress, Force Trans., Whipple, p. 689): "Sundry newspapers from New York and Newport which I have lately seen, assert that France is seeking for peace with England and have offered, through the Spanish Ambassador to renounce all connections with America; the Tories and suspicious characters have had the same story here for some time past. Please to inform me whether you have any reason to think there is any foundation for such reports." Cf. nos. 163, 212, *ante*.

I am very sorry you have any such left among you, I think it high time they were all Hung, or Banished. The reports, of France seeking for peace under the mediation of Spain is without the least foundation, The reverse is the fact, England has applied to Spain for her mediation which has been peremptorially refused on any terms short of her acknowledgement of our independence by Britain—The last acco'ts from Paris was under the 6th Apl. there then appeared the strongest attachment to us and you may be assured our cause is extremely Popular throughout Europe. as to other alliances, they are undoubtedly attainable and I am very sorry that the fault sho'd lay where it does, that we have not formed an alliance with Spain long ago. delays which are produced by personal prejudices is the only cause of Spain not being fully engaged in the war long ago however I flatter myself those causes are in a great measure remov'd and our affairs will go on more smoothly than they have for some time past. You know we have had great assistance from Spain her succors are still continued and there is not the most distant reason to think they will be withdrawn but every reason to think the contrary.

Be comforted my Friend, suffer not Idle reports to intimidate. Remember our cause is more just then the posterity of Jacob was ever engaged in yet we are told miracles were wrought in favor of that people, notwithstanding which, it seems there own exertions were always essential for their security, let us exert ourselves as we ought and no doubt Heaven will smile on our endeavors and crown them with success. I fear we place too much dependence on foreign alliances, which will tend to introduce a servility destructive to true Republicanism. we must expect all nations will be influenced by their own interest and so far we may expect the Friendship of any power that inclines to form an alliance with us, but if we expect more, we shall certainly be disappointed. it requires no great depth in Politics to discern that the alliance already entered into is as much for the interest of our ally as ourselves and there is every appearance of an increasing benefit on her part; it is not in the power of Great Britain to offer her an adequate compensation for a surrender of those advantages, there therefore can be no danger from that quarter, Spain has gone so far that she cannot with the least degree of Honor retract, besides if we consider the abuses she received from Britain the last war and her National Charecter we need not apprehend an apostasy there.³ Holland stands ready to resent in her way, the insults offer'd her Flagg, almost every Court in Europe think favorably of our cause there certainly then can be no cause for despondency, we have nothing to fear but ourselves and such fear wo'd be immediately disapated if we had vigour enough to get rid of our internal enemies.

The inclosed papers will give you particulars of Genl. Wayne's enterprise, a more Brilliant action (all things considerd) is not to be met with in History. the prisoners are on the way to this City

I am very sincerely Yours

W: WHIPPLE

I believe I gave you my opinion of the Vermont negotiations in my last

³ Cf. no. 431, *ante*.

445. JOHN FELL, DIARY.¹

[July 28, 29, 1779.]

Wednesday July 28th. Com'l Committee. Congress. An acct. from Minisink of a Number of Militia being cut off by the Indians and Coll. Hawthorn and some other Officers Killd. A very disagreeable and serious Memorial from the Minister of France complaining of Insults Offerd to the Consol General M^o. Holker etc. Refferd to a Committee of 5.² Order of the day on Finance some Regulations agreed to, for the Treasury Board

Thursday July 29th. Com'l Committee Congress. After the dispatches, Reports from the Board of War, and Treasury, the Order of the day was taken up on the Fishery, and according to Custom nothing done, no reasonable measures will satisfie the Eastern Members³ (Mr. Mercier and Mr. McCoomd[])⁴

P M Marine Committee.

446. HENRY LAURENS TO ALEXANDER HAMILTON.¹

PHILADELPHIA, 29th July, 1779.

Dear Sir:

. . . . I presented to Congress this morning, Colonel Fleury's earnest request for the flag which he had the glory of lowering at Stony Point, but there was not a single voice heard in second to my motion. In truth, I had spoken to several of the members on the subject before the meeting of Congress; these discovered not only no inclination, but rather an aversion to parting with so high a testimony of a great and brilliant victory; nevertheless, I determined to fulfil my promise; you see the success.²

. . . . I have executed my commission; have added my best consolatory advice³ to a disappointed client, and trust the Colonel will do me the justice to assure himself, my own opinion on the propriety of his suit was not disclosed fully or partially to any body before I had received a modest denial by a profound silence. . . .

Col. A. Hamilton, Head Quarters, North River.

[445]¹ Library of Congress, Journals and Diaries.

² See the *Journals*, July 28, 30, Aug. 2, 4, 10, and nos. 447, 455, 487, *post*.

³ See nos. 360, 366, 369, 380, 381, 401 (note 2), 404, 406, 407, 418, 438, 439, *ante*, 451, 459, 474, 475, *post*.

⁴ John Dyer Mercier and Eleazar McComb were this day elected commissioners of claims. Nov. 9 they were chosen (two of the six) commissioners of the chambers of accounts.

[446]¹ Hamilton, *Works*, I. 80.

² There is no mention of this matter in the *Journals*. Touching the action of Colonel Fleury at Stony Point, see the *Journals*, July 26.

³ If his "consolatory advice" was like unto that which he suggested to Hamilton, it was quite ironical. Colonel Fleury, he said (in a passage here omitted), might possess himself of an accurate copy of the flag, or, "by a very trifling practice of ambidexterity", exchange the copy for the original, or, better still, arm himself with a copy of Dunlap's *Packet*, in which his gallant behavior stands upon record by authority of Congress. This, with his commissions and testimonials, would "answer every purpose of display, and save the trouble and expense of lugging sixty or eighty yards of bunting around the Globe".

447. MERIWETHER SMITH TO THOMAS JEFFERSON.¹

Thus,² Sir, you see the good Effects of *Committees for regulating of prices*; which have occasion'd a great deal of Confusion without producing any Good that I can perceive. How these proceedings will end, I cannot undertake to determine; but I have sufficient Reasons to convince my Mind, that they are instituted for the worst of purposes. I have hinted to you my Opinion in a former Letter, and cautioned you against the Consequences. I have written to some of my particular Friends on the same Subject with a View of discountenancing such proceedings; and I now repeat to you that I apprehend the most pernicious Effect will flow from the establishment of those Bodies.

I will take the Liberty of adding, that I have it expressly from the Mouth of Mr. Gerard, that he believes from Circumstances the most convincing to him, that they are instruments in the Hands of designing Men, who are not Friends to the Alliance, and wish to throw all Government into the Hands of the People by those Means, the better to enable them to attain their favorite purpose.

These Matters have so serious a Tendency that, understanding an Express is just going to Virginia, I could not omit making [*sic*] the Extracts and sending them to you. I wish they may be of Use.

I have the honor to be

Yr. most obedt. and hble Servt.

MERIWETHER SMITH

PHILADELPHIA July 30th 1779.

His Excellency Thos. Jefferson Esqr.

Governor of Virga.

(Private)³

448. HENRY LAURENS, NOTES.¹

[July 30, 1779.]

"the most absurd and tyrannical * Order that ever was made the world must know it and Shall know it."

Mr. Duane in Congress Friday 30 July 1779 who was exceedingly angry because I shewed him this Memorandum. he who affects to lament every thing like indecency in any of his fellow Members will often go beyond indecency itself.

* alluding to the order of the day for finance and Foreign affairs, by Mr. Dickenson² I had two days before remarked to the House that the

[447]¹ Library of Congress, Jefferson Papers (under July 26, 1779).

² These remarks are appended to an "Extract from the Memorial of the Minister of France dated July 26th 1779", and an "Extract from the Memorial of said Minister dated 28th July 1779, on the same subject". See nos. 366, 369A, 445, note 2, *ante*, and nos. 455, 487, *post*.

³ Edmund Randolph wrote to Jefferson, July 27, in particular concerning Wayne's victory, but in a postscript he says: "You will oblige me very much by suggesting to me such reflections as occur to you on the subject of peace: not on the propriety of making it if possible, but on the terms necessary for America to insist on" (Library of Congress, Jefferson Papers).

[448]¹ S. C. Hist. Soc., Laurens Papers, XXVII.

² See the *Journals*, June 7; also Laurens's motion, July 30 (*Journals*, p. 902).

observation of the Order was detrimental to Public good by totally excluding Reports of Committees and other important business whenever one Member should think proper to call the order of the day, which every day in the week is subject to.

[Endorsed:]

Mr. Duane's address in Congress 30 July '79.

449. JOHN FELL, DIARY.¹

[July 30, 31, 1779.]

Friday July 30th. Com'l Committee Congress. Finishd the Reports of the Board of Treasury Relative to Finance;² The Report for allowing half Pay to the Officers for Life taken in to consideration.

P M. Marine Committee

Saturday 31st. Com'l Committee³ Congress After reading some foreign Letters, Order of the day relating to the fishery, I hope for the last time

450. JAMES LOVELL TO RICHARD HENRY LEE.¹

July 31st 1779.

Dear Sir

Since I wrote you last I have recd. a Duplicate of all the Papers which I have mentioned therein to you as having been sent by yr. Brother Ar[thu]r. I found also in the 2d Packet some th[at] were not in the first. I have kept [such as]² will enable me to subserve his H[onor] except a few that you will be so [good] as to return when you have either [co]pied or extracted what you wish [to] retain. I think the Originals are more essential for me than for you just at this Juncture. I shall be careful of them as your family property. I kept also the duplic: of July 27 directed to F L L——

I have also this day recd. many Packets Via Boston with only two [letters] for you, both which I send. I remember well you got the Letter Arendt left Behind at Miller's I forwarded it afterwards. As to William's there is no Propriety in consulting Congress about the publication. You will set your own Judgement and that of your Friends in Virginia. I think Ar[thu]r has said more than Will'm has. I need not add that Arth[u]r says Things *well*.³

. . . . I cannot but regret more and more that you Francis and S A are not here, now, furnished thus at every Point. I am worn down with

[449]¹ Library of Congress, Journals and Diaries.

² See the *Journals*, also no. 441, *ante*, and no. 461, *post*.

³ See no. 441, note 3, *ante*. The members of the committee who signed the letter of this day to President Reed (*Pa. Arch.*, first ser., VII. 605) were Lewis, Searle, and Fell.

[450]¹ Univ. Va. Lib., Lee Papers.

² The manuscript is badly frayed and at several places in the margin the words cannot readily be supplied.

³ These passages and others of a similar character in Lovell's letters, although personal rather than congressional in character, have been retained because of the light they shed upon the conduct of the committee of foreign affairs under Lovell's charge.

writing in addition to the vexatious attendance on the Debates in Chestnut [Street]⁴ but I hope to be able to give an analytical and chronological concise View of the diabolical Lies and intentional Assassination of which Deane was flagrantly guilty on the 5th of Decr. last. I have by me a similar State of the Matter to that which I sent you to be forwarded by Post on Tuesday to S A unless the Express goes sooner: so that Mr. A will have it in his Power to destroy totally in Massachusetts, by little judicious *Specs*, as *he* used to phrase News Paper writing, all the Prejudices which may happen to have been raised there by yr. *innuendo Man*.⁵ Mr. A thanks me in a Letter of the 19 for something of the Kind but I really have forgot what it was I sent early enough for an Answer already.

Not a single Line to the Com'tee from B F though large Packets are come from him, old News Papers Intelligence sent him from Posts from Week to Week etc. etc. There is a very long Letter to me expressly with an interdiction of the Public tho it is wholly on a Topic concerning the Public—the Impropriety of 3 at one Court. Complimentary of Deane and shewing that Holland is ripe to receive him. But the oddity of all is that it is dated July 22d 1778 forwarded by J. Williams Nantes Feb. 25 1779. is in ans'w'r to mine of May 15 1778. He says much indeed upon the good Principles which were the basis of the 11th and 12th articles; reducible however to this one point which he plainly expresses viz: that Duties on Exports are Pickpocket Arts and too mean to be practiced even in the Line of Retaliation.⁶

I can only add a word or two on home matters, for I am really faint for want of sleep.

Fish'g in no case to be given up. [Congress] to enter into no *Treaty of Com'ce* without *unanimous* consent unless free Exercise is stipulated [in] regard to that matter; and to resent [with] the whole force of the Union any [*torn*]⁷ These Determinations springly [*sic*]⁸ from the Unanimously declared opinion that it is *essential to the Welfare of all* these U. S. that the citizens thereof sh'd enjoy the free unmolested common Rights of Fishery. We must be satisfied with tacit assurance of Indepecy.⁹

Good night, my dear Sir.

⁴ That is, in Congress, which sat in the state house on Chestnut Street.

⁵ Cf. no. 458, *post*. Another letter from Lovell to Richard Henry Lee, dated Aug. 2, almost entirely relating to the receipt and distribution among Arthur Lee's particular friends (including Samuel Adams) of letters pertaining to the controversy between Arthur Lee and Silas Deane, is among the Lee Papers in the University of Virginia Library. Similar in character is a letter to Samuel Adams, Aug. 3, in N. Y. Hist. Soc., *Collections: Deane Papers*, IV. 40.

⁶ See no. 457, *post*.

⁷ The sense of the missing expression is: any molestation of the citizens of the United States in taking fish on the banks. See the *Journals*, July 29.

⁸ Lovell probably meant to write "spring chiefly", or "mainly", or "principally".

⁹ In the margin adjacent to this paragraph Lovell has written: "dead secret unless you get it from the weathercocks or otherwise."

451. JOHN FELL, DIARY.¹

*Monday August the 2d 1779*² Com'l Committee Congress A long Letter from Mr. Bingham and other dispatches took up this day. Mr. Jay sick

Tuesday August 3d Com'l Committee Congress Sundry Letters and Memorials Read, and some Resolutions agreed to for Instructions.³
P M Marine Committee

452. NATHANIEL PEABODY TO JOSIAH BARTLETT.¹

PHILADA. 3d Augt. 1779.

Dear Sir

Have just opportunity to inclose a few papers. Genl. Whipple, who I suppose will write you at large, Consents to Tarry here, till the weather is more Comfortable and untill Some very important affairs are decided in Congress.² very favourable accounts from the West indias. Shall give you Some particulars, concerning Party *Spirit* in my next. South and East, the most unfavourable Circumstance in our public affairs. Complements to all friends.

453. WILLIAM WHIPPLE TO JOSIAH BARTLETT.¹

PHILADELPHIA 3d Augt. 1779

My Dear Sir

I wrote you pr. last post when I believe I acknowledged the receipt of Yours of the 10th July. I am sorry Mr. Sec. Thompson² did not see the Committee of Congress at Vermont however I hope every measure will be taken to support N. Hampshires Claim to that Territory N. Y. has been very quiet about that matter ever since the return of the Committee but this Calm will not last long You are too well acquainted with the arts and insidious designs of certain men, to need their charecters from me. If the Claim of New Hampshire is not supported that Country will assuredly be annex'd to N. Y. which I am sure must be attended with disagreeable consequences not only to N. H but other Eastern States I intended to have wrote you largely on this subject but having been several times interrupted and my head crowded with a thousand other matters, I am under a necessity of defering it for the present.

[451]¹ Library of Congress, Journals and Diaries.

² Under Sunday, August 1, Fell merely recorded "Rainy day".

³ That is, with regard to the terms of the treaty of peace. See nos. 338, 339, 445, *ante*, 451, 459, 474, *post*.

[452]¹ Dartmouth College Lib., Bartlett Corr., vol. II. ("No. 4").

² See no. 453, *post*.

[453]¹ Dartmouth College Lib., Bartlett Corr., vol. II., 1779-1790.

² The following is from the proceedings of the general assembly of New Hampshire, June 26, 1779: "Vote for Ebenezer Thompson, Esqr. to repair to the Grants (so called) west of Connecticut River and wait on the Committee of Congress" (*N. H. State Papers*, VIII. 831). See nos. 403, 407, 409, *ante*, 465, 495, 506, 544, 545, *post*.

Our acco'ts from the West Indies are by no means unpleasant. I will give them to you so far as my recollection serves me from hearing Mr. Bing[ha]m Letter read which came to hand Yesterday. . . .³

I most Heartily wish Your Penobscot Expedition may succeed nor can I see anything against but the delays that have taken place in preparing which may give the Enemy opportunity to get reinforcements should it succeed I can see no difficulty in crossing the Bay immediately and taking possession of Nova Scotia. this would be so Glorious an acquisition that it wo'd surely be worth Hazarding much for. pray let me know if such a plan is in contemplation. Col: Peabody informs me he has inclos'd the latest Newspapers.

By the conclusion of Your last letter you seem to expect me home shortly; I have stay'd much longer than I intended, or perhaps then is desired by my Constituents if the latter sho'd be the case a very short notice will be sufficient for my departure from this place. I am extremely anxious for the determination of some important questions which ought to have been decided many months ago this and some other matters which I shall communicate to you when I may have the pleasure of a tete-a-tete conversation, on some future day will acco't for my continuing so long here; and since the summer is so far spent I think to take the pleasant part of autumn to travel in unless it sho'd be otherwise order'd by the authority which placed me here and whos orders I shall always be happy in Obeying⁴

454. SAMUEL HOLTEN, DIARY.¹

[Aug. 4, 5, 1779.]

4. By a vessel from Martinico we have an account of the Count d'Etang taking the Granadis and getting the better of Adm'r Byron, but it wants confirmation.²

5. We have confirmation of yesterday's news. Great news if true.

455. JOHN FELL, DIARY.¹

[August 4, 5, 1779.]

Wednesday 4th Aug'st Com'l Committee Congress. A number of Letters from Genl. Washington Genl. Gates etc. long debate on the Ministers memorial relating [to] the Ship *Mary and Elizabeth* and the Report of the Committee thereon.²

³ Bingham's letter of July 6, read in Congress Aug. 2, pertained (as the erasure in the *Journals* indicates) to the capture of an American vessel (the *Kitty*) by a French privateer. The news was in his letter of June 29-July 12, extracts of which were printed in the *Pennsylvania Packet* Aug. 5 (and again in the issue of Aug. 10) as "from a gentleman of character in St. Pierre". Cf. nos. 454, 466, *post*.

⁴ See nos. 384, 452, *ante*, and nos. 503, 513, 537, *post*.

[454]¹ *Essex Inst. Hist. Colls.*, LVI. 26.

² The *Pennsylvania Packet* of Aug. 5 contained, besides the extracts from Bingham's letters (see no. 453, *ante*), "Extracts of a letter from a gentleman of St. Eustatia, dated 21st July, brought by Capt. Earl, who arrived here yesterday afternoon, in a passage of eleven days". There was an addition dated July 22. The items were repeated in the *Packet* of Aug. 10.

[455]¹ Library of Congress, Journals and Diaries.

² See no. 445, *ante*.

Thursday 5th Aug'st. Com'l Committee Congress. Some dispatches were read and the order of the day on the Ministers Memorial relating to Mr. Holker
P M Marine Committee

456. THE PRESIDENT OF CONGRESS (JOHN JAY) TO
GEORGE WASHINGTON.¹

PHILADELPHIA 6th August 1779

Sir,

Your Favors of the 29th July and 2nd Inst have been delivered to me.² The Papers, herewith enclosed, are a copy of the Act of the 8th of March mentioned in Your Excellency's Letter of the 29th Ultio: and a Report of the Board of War recommending that Captain Wilkie's Company of Coll: Spencer's Regiment be annexed to the 11th Pennsylvania Regiment. Congress desire your Excellency's Opinion on the Propriety of this measure.³

457. JAMES LOVELL TO BENJAMIN FRANKLIN.¹

PHILADA. Aug. 6, 1779

Hon'ble Sir

Your favor of July 22d 1778, forwarded from Nantes by Mr. Williams the 25th of feb this Year, arrived here not till the 31st of July.² I wonder the more that so very few of yr. Letters reach Philada. in the Course of a year, as Mr. Dumas finds means to convey a Series above the Numbers of the Alphabet in the same term of Time, and is also in continual correspondence with you.

It is needless, at this Season to take up the different Parts of your long letter, for which, however, I feel myself much obliged to you: But I cannot omit to notice that you are totally mistaken as to "partial Objections" having been before Congress at the time of their dissent to the 11th and 12th Articles.³ It is true that, since that Period, much has been read from the Persons you suppose to have written on that Subject.

You will long er now have seen the use which has been made of my letter to you respecting Mr. Deane's Recall. I, at least, made a Show of a

[456]¹ Library of Congress, Letters to Washington, XCIII. 285; President's Letter-Book, p. 165 (dated Aug. 7).

² A letter of Washington dated July 29 was read in Congress Aug. 3, and another of the same date was read Aug. 4. The letter of Aug. 2 was read Aug. 7.

³ See the *Journals*, July 30. Washington's reply to this letter, Aug. 16, was read in Congress Aug. 23.

[457]¹ Univ. of Pa., Franklin Papers, III. 23 (triplicate); Am. Phil. Soc., Franklin Papers, XV. 105; Harvard Univ. Lib., Lee Papers, VI. 95, marked, in Lovell's writing, "(copy) private"; Univ. Va. Lib., Lee Papers (copy); N. Y. Hist. Soc., *Collections: Deane Papers*, IV. 45.

² See no. 450, *ante*. Franklin's letter of July 22, 1778, is in Wharton, *Rev. Dipl. Corr.*, II. 656. In his letter to Richard Henry Lee Aug. 2 (see no. 450, note 5, *ante*) Lovell states that he received Franklin's letter July 27. The same statement is made in a letter to Samuel Adams Aug. 3 (N. Y. Pub. Lib., Samuel Adams Papers; N. Y. Hist. Soc., *Collections: Deane Papers*, IV. 40), where he adds that it was "probably fabricated after Deane's publication appeared in Europe".

³ See the *Journals*, May 5, 1778.

Disposition to befriend him. I really had such a Disposition, and, early on his arrival, let him know what had grounded that Proceeding in Congress, in hope that he would not be driven by a false Jealousy, which he discovered, so far as to suffer Wreck upon the Quicksands of Indiscretion. All my aim was in vain he has been borne headlong. His Publication of Decr. 5⁴ has, in my opinion, totally ruined his Claims to any public Trust on account of his Hability in Affairs. And however you may not discover the great malignity of his Inuendoes, you cannot but see and own that his peice contains down right Lies which must be pointed out to the Public, who have not yet your good Grounds for Conviction. There is not a single Circumstance mentioned against Mr. Lee which is supported, except his not having the Confidence of the french Court. The Ministers must have been Angels of Light not to have conceived Prejudices in consequence of the indefatigable Arts of one who thought himself *saddled* when a Colleague of Sense Honor and Integrity was given to him by Congress. The Ministry were misled; but the Consequence does not follow that therefore Congress should destroy an able and faithful servant. What slippery Ground would this make for our Ministers abroad? Will there not probably be ambitious men always in Congress to trip them? But I drop the disagreeable Subject and go to the pleasing Office of assuring you of the Attachment with which I am Honorable Sir

Your most humble Servant

JAMES LOVELL.

458. JAMES LOVELL TO ARTHUR LEE.¹

PHILADA. Aug. 6th 1779

Dear Sir,

The originals, duplicates *or* triplicates of all you wish to have reached us, I believe, have safely arrived, and you may depend on a diligent use of them. It was unfortunate that we were not favored with many of them before Henry Francis² and S Adams left this Stage of their Exertions for their Country and for Virtue in general. However, I shall think this Circumstance a fresh Call upon *My Industry*, a Quality wch. is an object of the hatred of *your* Foes who have found themselves long ago mine in consequence. I own no first in that Quality except Mr. Laurens who wants no Spur but the simple Knowledge of Injuries done to the worthy to make him enter directly upon their Defence.

I have urged an hundred Times what you have at length quoted to me from Whitlock.³ But there is really no such Thing as a *Com'tee* of foreign affairs existing—no Secretary or Clerk—further than that I persevere to be one and the other. The Books and Papers of that ex-

⁴ See vol. III., no. 658.

[458]¹ Harvard Univ. Lib., Lee MSS., VI. 101, marked "(private)". Another text of the letter, entirely in the writing of Lovell, marked "copy (private)", is *ibid.*, VI. 94. The letter is printed in Wharton, *Rev. Dipl. Corr.*, III. 288 (apparently from this copy), and in N. Y. Hist. Soc., *Collections: Deane Papers*, IV. 47 (from the Lee MSS.).

² Richard Henry Lee and Francis Lightfoot Lee. Lovell more often calls the former "Richard", as he does farther on in this letter.

³ See no. 421, *ante*.

tinguished Body lay yet on the Table of Congress, or rather are locked up in the Secretary's private Box. There was a Motion as I have before told you to chuse a *new* Com'tee the House would not so insult *me*. An Indifference then took place as to *filling it up* upon presumption I suppose that a little Leaven leaveneth the whole Lump.⁴ It would be impossible that you could have Enemies in a Com'tee where was one so to arrange Vouchers of yr. Industry Capacity and Honor as it is thought I am able to do.

The State of Mr. D——⁵ is exactly the Reverse of what Letters have announced in France. But I will give you one or two Copies of the Scraps which have been made use of here to prove the only point on which yr. Enemies finally rested, and which is now the only possible Ground of hope to them of overcoming yr. Views for the public Good.

Nothing has appear'd here that will *prove* a *direct* Patronage and assistance of your inveterate Foe, from that Quarter which you name in one of yr. Lett'rs to Frank or Rich'd; but every thing short of that has taken place; you will not think I am a meer "*Innuendo Man*",⁶ as R H calls D——, after you get the Copies above mentioned.

How do you reconcile the Conduct of Congress on June 5th respecting De Franc'y's Business⁷ with the Ideas of the *total* extinction of joint Powers in the Commissioners for *special* Purposes *after* the Appointment of the Minister Plenipotentiary for *general* Concerns. . . .

459. JOHN FELL, DIARY.¹

[August 6, 7, 1779.]

Friday 6th Aug'st Com'l Committee Congress Memorial from the Commissioners of the Treasury.² Report to allow the Commissioners abroad 500 Sterl'g per annum and their Expences.³ Motion for Silas Deane Esqr. to be discharg'd from any further attendance on Congress and to settle his Accounts, and to be allowd for his Expences 3 Months after his Recall⁴ Marine Committee

*Saturday Aug'st 7th*⁵ Com'l Committee Congress. Motions amandments and long debate about instructions and an ultimatom.⁶

⁴ Cf. nos. 345, 421, *ante*.

⁵ Silas Deane.

⁶ See no. 450, *ante*.

⁷ See the *Journals*, June 5.

[459]¹ Library of Congress, Journals and Diaries.

² The reference is to the memorial of William Govett, Resolve Smith, William Geddes, Robert Troup, and Joseph Nourse. Although the following Monday (Aug. 9) was set for the consideration of the memorial, which asked for additional pay, no action appears to have been taken on it. In the *Pa. Mag. of Hist. and Biog.*, April, 1915, is a versified parody of this memorial by an unknown hand.

³ As expressed in the resolve, it is "11,428 livres tournois".

⁴ The clause "in order that he may settle his accounts" was stricken out. Holten records simply, "Congress dismissed the Hon. Mr. Deane from attending any further on Congress". Cf. nos. 463, 501, *post*.

⁵ "Congress received a letter from Gen. Washington informing of the enemies moving down the North River" (Samuel Holten, Diary, Aug. 7). Washington's letter, dated Aug. 2, and written from West Point, is in the Washington Papers. The committee to whom it was referred was that appointed July 8 (Laurens, Marchant, and Holten).

⁶ See nos. 438, 439, 445, 451, *ante*, and no. 474, *post*. Cf. the *Journals*, Aug. 14, Sept. 9.

460. JAMES LOVELL TO HORATIO GATES.¹

PHILADA. Aug. 9, 1779

Dear General

. . . . And, now I have neither Health Spirit or Leisure to say much, having worn myself down about foreign Affairs in the Capacity of Committee Secretary and Clerk, all in one, and two Vessels offering themselves together. Besides This, I think it my Duty to stand *Rowland*² for Arthur, having very full and sufficient Materials in Possession to prove the assassinating Malignity with which he has been treated. I am satisfied that he will make a most staunch Negotiator for us whenever Peace shall be in Prospect. And if D'Estaing has gained what the Gazettes tell, Peace cannot be a year off. . . .

I wish I was where I could *à vive voix* give you the History of the Election of a Cloathier General: it was a curious Affair.³

461. JOHN FELL, DIARY.¹

[August 9, 10, 1779.]

Monday, August 9th Com'l Committee Congress A new Plan for borrowing [*blank*] Millions on Loan 8 Ds. for 5 £s. debated² and adjourned

Tuesday the 10th Com'l Committee Congress Some dispatches motions, and debates.

P M Marine Committee

462. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA Augt. 10th, 1779.

Sir,

We this moment were honored by your Excellency's Letter of the 2d Instant.² We lament the deplorable Situation our State was suddenly left in by the calling of Glover's brigade and we wish it were in our power to invent some method whereby we might be relieved. Mr. Marchant had drawn up four proposals in Nature of a Request to Congress from the Com^{ee}. we informed Your Excellency we procured to be ap-

[460]¹ N. Y. Hist. Soc., Gates Papers, XV. 261.

² Richard Henry Lee used the pen name "Rowland" in some of his publications in defense of his brother, Arthur Lee, the first of the series appearing in the *Pennsylvania Packet* the next day (Aug. 10). See *Letters of Richard Henry Lee*, II. 108. Cf. nos. 478, 501, 553, 599, *post*. Here Lovell probably means to indicate particularly his purpose to act the part of a loyal friend to Arthur Lee. But cf. no. 478, *post*.

³ See the *Journals*, Mar. 23, Apr. 1, 5, 6, May 13, June 22, 24, July 10, 15, 19, 24.

[461]¹ Library of Congress, Journals and Diaries.

² The "new plan" was Gerry's propositions offered July 23. The report of the committee thereon is in the *Journals*, July 30 (see nos. 441, 449, *ante*). The propositions were again taken under consideration Aug. 27 and 28, but thereafter their consideration appears to have been merged in the general discussion of finance. Cf. nos. 475, 500, 505, 508, 515, 516, *post*.

[462]¹ R. I. Arch., Letters to the Governors, 1779-1780, p. 3; Staples, *R. I. in Cont. Cong.*, p. 247.

² Staples, *R. I. in Cont. Cong.*, p. 247.

pointed four Weeks past, but the other Gentlemen of the Com^{ee} rather declining to report further than to reiterate the Calls which have been so frequently made upon Our Sister States We have concluded, that it might not be attended with more Force than Their Own Sense of their Obligations must be, And that at present, the Protection of the State must rest upon the Caution and Wisdom of Genl. Gates, the Fortitude of the Few Troops he has, The Magnanimity and the unremitted Zeal, and the Sense of Self Defence which has ever been exhibited, and exerted by the whole Body of the good People of Our State, hoping at the same Time that Our Sister States will at Length be awakened to Our Situation, as seeing their Own Security most intimately connected with ours.³

We have just recd. the most Important Dispatches from Martinique, whereby We are well informed, That Three Thousand Troops were embarked at St. Lucee for New York, but were happily called to Their own more immediate Security by Count D'Staing, Of whose great and Signal Success we sincerely congratulate your Excellency and the State. . . . We are apprised by Our Agent at Martinique that the French Govr. informed him that his Intelligence by the last Packet from France then just arrived was, That Britain had refused the mediation of Spain, That The Fleets of France and Spain had joined, Twenty five Thousand French Troops were marching down the French Coast to be taken on Board of Transport. Their Object—Ireland. The Scene Thickens—but it is observed it is generally darkest the nearest Day. The more the storm rages, the sooner peace may succeed.⁴

That the Period may not be far off, and, that The State we have the Honor to represent may soon open into a long cloudless Day of Security Prosperity and Independency pray,

Your Excellencys most Obedient and very humble Servts.

H'Y MARCHANT
JOHN COLLINS

P. S. The above in Congress in great Haste but a few moments before the going out of the Post.

³ See no. 410, *ante*; cf. nos. 475, 491, *post*.

⁴ A duplicate of Bingham's letter, dated July 20, with an addition of July 22, is in Papers Cont. Cong., no. 90, f. 168; a copy in his own hand is at p. 110. Following is the passage principally referred to in this and other letters from Congress (see nos. 464, 465, 466, 471, 472, 473, 475, 480, *post*):

"July 22d. It gives me additional Satisfaction to inform you that a Packet has this Day arrived from France in 31 Days Passage, with Dispatches for the General and Count D'Estaing—the former has done me the honor of communicating to me a Letter from the Minister, announcing to him the speedy Declaration of Spain and desiring him to take his Measures accordingly; he informs him, that the Count D'Orvilliers had sailed with 32 Ships of the Line towards Corunna, where he was to be joined with 20 Spanish Ships. Great Britain has absolutely refused the Mediation of Spain.

"Twenty four [the copy has "twenty five"] thousand french Troops are now lying on the Coast of France, ready to embark on an Expedition against Ireland. I have the honor to inclose you a Copy of the Names of the Commanders of the respective Regiments.

"Six thousand additional Troops have taken their Departure for America, against which G Britain means to make her last and I hope fruitless Efforts this Year.

"The Authenticity of this News may be depended on."

463. HENRY LAURENS TO RICHARD HENRY LEE.¹

PHILADELPHIA 10th August 1779.

Dear Sir,

. . . . Congress as you will read in Dunlap's Paper of this date have "discharged Mr. Deane from any further attendance".² this Resolution was effected at a time when I was unavoidably absent seeking for new apartments, being obliged to leave these I am in the day after tomorrow; I had previously, but without effect, objected to paying Mr. Deane any Money until he should have accounted for the Sums which he had received in Paris, and pointed particularly at those Sums which he had received of Mr. de Beaumarchais and of Mr. Grand after he knew of his being superseded in Office and of the appointment of a Commissioner to succeed him, of which Mr. A Lee takes particular notice in his vindication. the amount of the former you are informed of, that of the latter is upward of £1700. Sterling including all his draughts on the Banker. I say without effect for no support was given to my motion, or so slender a one as not to bring on a question. I think nevertheless, I did my duty and that hereafter I shall be applauded.

Congress had determined that the Commissioners and other Agents should respectively adjust their accounts with a person to be appointed for that purpose in France, a measure which I was averse from, yet all things considered it admitted much good reason in favor of it.³ After this determination I was called out on the business above mentioned—at my return, I found the Resolve for "discharging Mr. Deane from further attendance on Congress", this, inasmuch as no provision is made for his Voyage to France nor for his expences there, leaves the adjustment of his accounts optional with him.⁴

464. NATHANIEL PEABODY TO THE PRESIDENT OF NEW HAMPSHIRE (MESHECH WEARE).¹

PHILAD. Augt. 10th 1779.

Sir,

This moment I am informed from Good Authority, that Great Britain has actually refused the mediation of Spain and that his Catholic Majesty has declared he will no longer be an Idle Spectator in the present Contest, that he has actually joined in Alliance with France and these United States, That a French fleet from Brest, of 32 Ships of the line, and a Spanish fleet of 22 Ships of the Line, are forming a junction, which with the addition of 25,000 Land forces, are said to be destined against Ireland. Official accounts it is said are in this City certifying the truth of the foregoing. Monsr. Garrard being from home prevents our having *it* officially in Congress. 6,000 British forces are coming to America. it

[463]¹ Boston Pub. Lib., Chamberlain Coll., III. 18.² See the *Journals*, Aug. 6.³ See the *Journals*, Aug. 6, Sept. 28, 29, and no. 568, *post*.⁴ Lee's reply, Sept. 5, is in *Letters*, II. 146. Cf. nos. 501, 559, *post*.[464]¹ Mass. Hist. Soc., C 81 A 113; Library of Congress, Force Trans., Weare, p. 112b.

is said that G. Collier with 7 arm'd Vessels, several Transports, and two thousand Land forces put to Sea the 29 ulto. Supposed their object is Penobscott. The Success of Count D'Estang in the West Indies, the singular advantage he has gained over Byron and the British fleet cannot fail giving new Life to our friends and cause our Enimies to stand a Gast. hope you will give the earliest Intelligence of the Success of our Little Penobscott fleet, and such other matters as may come to your Knowledge.

please to excuse brevity and incorrectness as I write this in Congress, and am oblig'd at the same time to attend to some interesting debates so as to be able to give my opinion thereon.

Must therefore bid you adieu for this time, subscribing

Your most obedient Humble Servt.

NATHL. PEABODY ²

465. WILLIAM WHIPPLE TO JOSIAH BARTLETT.¹

PHILADELPHIA 10th Augt. 1779

My Dear Sir,

Your favor of the 24th Ultio came to hand by Yesterdays post. I am happy that my determination to tarry some time longer meets the approbation of the Committee. . . .

I propose tarrying till some time in octobr. by that time I hope the Business that excites my anxiety particularly at this time will be happily finish'd.² but if in the mean time want of health or any other cause should make it absolutely necessary for me to take my leave I shall give due notice. You are too well acquainted with a certain assembly to suppose that engagements are inviolably adhered to by every indeividual member. I am inclined to think you are mistaken in your conjecture of the Author of *Americanus* the person you mention has been suspected but he in the most solemn manner denies that he ever saw or heard of it till he saw it in the Newspaper and 'tho I do not always implicitly believe declarations of this kind many concurring circumstances induce me to give credit to his at this time³ this kind of scribbling is a little vexatious, but I do not think they are attended with any very material consequences on either side. I see no danger at present of that important Matter being given up indeed there wo'd not have been any opposition to its being secur'd in the fullest manner had it not been for certain *cunning designing* persons whose residence I wish was farther from N. H. one of these persons had not been in C—— for some considerable time before Your departure (not since the year 76)⁴ however I must defer a particular history of this business 'till I have the pleasure of a tete-a-tete conversation

² In a postscript Peabody adds an extract from Bingham's letter of July 22. Cf. no. 462, *ante*.

[465]¹ Dartmouth College Lib., Bartlett Corr., vol. II.

² Presumably the Vermont affair. See no. 453, *ante*, and no. 495, *post*.

³ In his letter of July 24 (Library of Congress, Force Trans., Whipple, p. 693) Bartlett wrote: "I find by the papers that terms for a negotiation instead of being a profound Cabinet Secret, are discussed in the publications. *Americanus* I suppose to be G. M. of N. Y. who used to sign *the American*." See nos. 360, 401, *ante*.

⁴ The allusion is doubtless to John Jay. Cf. no. 633, note 2, *post*.

I shall pay due attention to what you say respecting the invalids and shortly write you on that subject. I must beg leave to refer you to the papers for news the acco't from S. C. is much better then we had a right to expect in the begining of the Campaign, what we have from the West Indies far exceed every Idea. Genl. Wayne's enterprize at Stonny Point has given a very favorable turn to affairs in that quarter

Indeed the Reports from the Enemy mention large reinforcements but these reports are in a great measure contradicted by those of better authenticity—it is true that Lord Cornwallis is arriv'd and I suppose it true that Clinton and several other Genl. Officers are call'd home

I shall be happy to hear of our success at Penobscot there I must confess I fear a miscarriage. . . .

466. WILLIAM FLEMING TO THOMAS JEFFERSON.¹

PHILADELPHIA 10th Aug. 1779.²

D'r Sr.

I am this moment told by Colo. Melchior that a young gentleman will set out in half an hour for Charlottesville. By him I have just time to acknowledge the receipt of your fav'r of the 22d of July, for which please to accept my thanks.

I find by your observations on the fishery that that matter is not yet properly understood in Virginia, nor have I time at present (were I at full liberty) to undertake the explanation of it, but this you may rely on, that there is not a state in the union, nor, I believe, a member in Congress, that would relinquish the right; and Congress, soon after I came here, passed a resolution (I believe unanimously) "that in no event should the common right of fishery be given up". Your former observation on the subject was communicated only to one gentleman besides the Virginia delegates.

A vessel arriv'd here yesterday in 17 days from Martinique and brought letters from Mr. Bingham, continental agent at that port, dated 22d July,

[466]¹ Library of Congress, Jefferson Papers, second ser., LI. 5.

² The date of this letter should probably be Aug. 11. At least it seems clear that the vessel which Fleming speaks of below as arriving "yesterday" actually arrived Aug. 10. See notes 3 and 4, below.

A letter from Cyrus Griffin to his friend Burges Ball (Library of Congress, Personal), without date but probably written Aug. 10, contains much recent news, both authentic and rumored, but makes no mention of proceedings in Congress. One passage of that letter may, however, be appropriately quoted here:

"I thank you exceedingly for the kind sentiments upon the new delegation: the me[mbers who were] *continued* have discharg[ed their duty] with credit and fidelity, notwithstanding the Lee party in the Virginia assembly were strenuous of opposition to *Smith* and myself, and almost carried the point of exclusion. had they carried such a point the mortification would have been great indeed when considered in that light, but the Individual benefit to our families would have been as great on the other side; and truly I find it impossible to remain in Congress a long time; I am already some Thousand Dollars out of pocket; my constitution will not support excessive confinement; I only wish to see our brave army placed upon such a respectable footing as their uncommon [Bravery a]nd Patriotism deserve—to see all [our problems(?) h]appily adjusted, and the currency of the United States in a fair way of appreciating: and then farewell to public Business eternally." Concerning the Virginia election, see no. 369A, note 4, *ante*.

advising that the day before a packet had arriv'd there in 31 days from France, with advice that the Spanish Minister at the court of France had declared his master ready to enter into a war with G. Britain, that court having refused the mediation of Spain—and that 32 ships of the line had sailed from Brest to Corunna, whence they were to be joined by 20 Spanish ships of the line, and proceed immediately to make a descent on Ireland with 25,000 men. The particular regiments for that service, with the commander of the expedition are named, but I do not recollect them.³ My complim'ts to Mrs. Jefferson.

Adieu

[P. S.] I have procured all the books you wrote for except Erasmus, which is not to be had in this place. They will be sent to W'msburg. I shall remain here 'til the 15th of Sepr. and hope to be fav'd with a letter by the gentleman who will be the bearer of this.

I inclose for your amusement Dunlap's paper of yesterday which contains some important news, and much private scandal.⁴

467. FRANCIS LEWIS TO STEPHEN SAYRE.¹

PHILADELPHIA, 10th August, 1779.

My dear Sir:

. . . . By the different manoeuvres of the British troops, Congress has been obliged to change their places of residence; from hence to Baltimore, thence to this city, then to Yorktown, and back again to this city, where they now reside. When at Baltimore, I urged your being appointed a commissioner to one of the European States, but was answered by the Committee of Foreign Correspondence, that you were then Secretary to Mr. A. Lee's embassy to the Court of Berlin, and proved a bar to your being appointed at that time to another department. Upon

³ An item in the *Pennsylvania Gazette* of Aug. 11 says: "Yesterday arrived here from Martinico the brig *Achilles*, late commanded by Capt. Murdoch, who died the day before in coming up the river. By her we have the following authentic intelligence, viz." What follows is a close summary of the passage from Bingham's letter quoted under no. 462, *ante*. The *Pennsylvania Packet* of Aug. 12 (Thursday) says: "On Tuesday last arrived here the brig *Achilles*, late Capt. Murdoch, in 17 days from Martinique, by whom we have several letters", etc. Cyrus Griffin adds a postscript to his letter mentioned in note 2, above, to say: "By a vessel this morning from Martinico, the public have the following Intelligence", etc.

Cornelius Harnett wrote to Governor Caswell Aug. 11, relating briefly the news, to which he added: "I have still hopes, notwithstanding the Confidence with which some good Whigs assert that the 6,000 Troops will soon be in America, that Britain will find it absolutely necessary to keep them at home. They will, in all human probability, be much more wanted in Europe for their own defence" (*N. C. State Recs.*, XIV. 190). Cf. no. 462, *ante*.

⁴ There was no issue of the *Pennsylvania Packet* Monday, Aug. 9. This part of the letter, if not the whole, must therefore have been written Aug. 11. The *Packet* of Aug. 10 contained the resolution of Congress discharging Deane from further attendance, a communication from "Rowland" (Richard Henry Lee; see his *Letters*, II. 108), some correspondence between Thomas Paine and Silas Deane (see *N. Y. Hist. Soc., Collections: Deane Papers*, IV. 53-59), and some extracts of letters from Bingham, etc. (see nos. 453, 454, *ante*, and no. 475, *post*. Griffin jotted in a corner of his letter to Burges Ball, "August 10th papers enclosed").

[467]¹ Moore, *Materials for History*, first ser. (*Correspondence of Henry Laurens*), p. 147; *N. Y. Pub. Lib., Misc. MSS.*, Lewis (copy).

the return of Congress to Philadelphia in April, 1777, by a new appointment of delegates for our State, I was not in the nomination, and remained so till December of the same year, when I was re-chosen, and since that time have been Chairman of the Commercial Committee of Congress.

Your letter, together with that from Mr. Fabritius, (whose high character I was well acquainted with when at Copenhagen,) was laid before Congress,² who are very sensible of the advantages that would accrue in a commercial intercourse with Copenhagen, as several supplies of Russian manufactures might be obtained through that channel; but we are at the same time apprehensive the Danish Court are too much influenced by that of G. B. to wink at such commerce, though it may be advantageous to the subject. . . .

Your scheme of sending out goods in Danish bottoms, to St. Croix or St. Thomas, is feasible, and where we could lodge tobacco, indigo, etc., to be returned in said ships for payment; but the risque of captures between this and the islands is full as great; however, I shall urge Congress to make an attempt in one or the other mode; it will be therefore necessary that you and Mr. Fabritius inform me, with the names of agents in both islands, who may be appointed by you to receive such effects. . . .

4th August [September].³ We have lately received the Manifesto of His Catholic Majesty, declaratory in favor of France, which has given high spirits to the friends of liberty in these States, and many Tories wish to be thought converts. . . .

I have frequently urged Mr. Fabritius' plan for improving the loan, but Congress seems at present averse to borrowing money in Europe, upon this principle, that for what they borrow there, they mortgage the lands of the United States for redem[p]tion, but what they borrow here is of the inhabitants, who must contribute to the payment by taxes levied on themselves.

Congress has been for some time past so pestered with complaints from their commissioners in France, tending to criminate each other, that a resolution is passed to have only one in France, viz., Doctor Franklin, who is commissioned Minister Plenipotentiary to that Court; the rest are recalled. . . .

Your sincere friend and humble Servant,

F. L.⁴

² See the *Journals*, July 28, 1778. There is no other mention in the *Journals* of the plans of C. A. Fabricius for an American loan in Europe. Concerning Sayre, see Wharton, *Rev. Dipl. Corr.*, I. 614-619. A number of letters from him are among the Franklin Papers in the American Philosophical Society, and some pertaining to him among those in the Library of Congress.

³ Lewis first says under this new date: "A few days past a sortie was made by Major Lee, of the Virginia Light dragoons, with 400 men, in the night, upon Powles' Hook", etc. The exploit at Paulus Hook was on the night of Aug. 19, and the news of it appears to have come to Congress Aug. 27, through a letter of Washington Aug. 23.

⁴ In a postscript Lewis acknowledges the receipt of letters from Sayre and indicates that he is sending this letter by James Searle. A further postscript says: "This you will receive by the Hon Henry Laurens, late President of Congress, who is commissioned to Holland, upon public business, with whom I would recommend your cultivating an acquaintance." Inasmuch as Laurens did not go abroad until about a year later, it is quite possible that this letter was never delivered.

468. JOHN FELL, DIARY.¹

[August 11, 12, 1779.]

Wednesday Aug'st 11th Com'l Committee Congress Report for better Pro[v]iding for the Army a motion was made per an amendment that the Resolve past May 24th, for half the Pay to the Officers for 7 Years should be extended for Life on the Question the Yaes and Naes being call'd it past in the affirmative.

P M Marine Committee

Thursday 12th Aug'st C'l Committee Congress Report from the Committee on Coll. Knoblock Memorial. Mr. Scudder moved that he have 10000 D's seconded per Mr. McKean and 100 Guineas. Opposd the whole after debate Referrd to the Treasury.² Mr. Peabody seconded per Mr. Schudder for all the Non Commissiond Officers and Soldiers to Receive half Pay for Life which opposd Referrd to a Committee of 5

P M Marine Committee

469. THE PRESIDENT OF CONGRESS (JOHN JAY) TO BENJAMIN LINCOLN.¹

PHILADELPHIA 12th Augt. 1779.

Sir,

Your favor of the 21st June by Major Franks was delivered to me yesterday.

You will perceive by an Act of Congress of the 10th Inst, of which the enclosed is a copy, that your compliance with the Request of the Governor and Council of South Carolina to defer leaving that State, perfectly corresponds with their wishes.²

Virginia and North Carolina have been lately requested by Congress to forward the troops destined for your army with all possible dispatch.

470. JAMES LOVELL TO SAMUEL ADAMS.¹

PHILADA. Aug'st 12th 1779

It behoves you to be very industrious in informing *good* Men, *what* has caused certain delays in the proceedings here for some months back.

[468]¹ Library of Congress, Journals and Diaries.

² Concerning Baron de Knobelauch, see the *Journals*, July 28, Aug. 7, 12, 18, 29, 1778, Apr. 13, 16, May 4, 13, Aug. 7, 12, 26, Sept. 4, 16, 1779. In August, 1778, Congress had permitted him to join the army as a volunteer and had made him an allowance. On Sept. 2 following he wrote to Washington giving an account of his career and furnished a commentary on military administration as proof of his ability. Mar. 1, 1779, he again besought Washington for employment in active service, which Washington declined (Mar. 7) to grant (Library of Congress, Washington Papers). Knobelauch thereupon once more made application to Congress.

[469]¹ Library of Congress, President's Letter-Book, p. 169.

² Lincoln's letter, which was read in Congress Aug. 12, acknowledged receipt of the resolves granting him permission to come north and appointing General Moultrie to the command. He had intended, he said, to take his departure soon, but the governor and council and General Moultrie and others had desired that he would not do so speedily. Accordingly he had decided to remain a little longer, if his health would permit him to keep the field, and he hoped that this would meet with the approbation of Congress. The *Journals* do not record that any action was taken on the letter, the resolution of Aug. 10 doubtless being deemed sufficient.

[470]¹ N. Y. Pub. Lib., Samuel Adams Papers; N. Y. Hist. Soc., *Collections: Deane Papers*, IV. 59.

Let them know that there has not been any Proof of an *honest* Intention in Britain to treat of Peace; that France and Spain indeed seemed earnest to know *our* Ultimata, especially in points which were nearly allied to their Interests—Florida and Newfoundland. . . .

We are boguing about $\frac{1}{2}$ pay for *Life*.² The Bear is in Licking; but it will be a Bear after all. But the Massachusetts Delegates had better not oppose it, because the Opposition *delays* Business. If Mr. J Adams should happily land in yr. Quarter I hope he will let People and Folks know that he has attested sufficient Vouchers to prove that A Lee has been most falsely accused and greatly injured.

Yrs.
J L

471. JAMES LOVELL TO JAMES WARREN.¹

Aug. 13th, 1779

Dear Sir,

. . . . Apprized as you must have been by Mr. S. A[dams] of the Principles, Views and Conduct of most political Men here, you may notwithstanding have been unacquainted even till now with the exact Contents of a Paper which is handed about in a particular Circle in your Neighbourhood so as to influence the minds of some good men as well as to strengthen the Plots of some bad ones. I wish you to see it. Mr. Ellis Gray a worthy Man, will put you in the Train of having it, I doubt not: it is too much for me to copy at this Time, and perhaps needless. For if Mr. Gray cannot furnish you with it Mr. Thos. Cushing can. The latter also can, if he will, tell by whose extraordinary Care it was sent to Boston. I own I have much curiosity to know.²

Sir, you may see the low arts that have been used to prejudice the Minds of Congress so far as to make them destroy the good Man's prospect of the best Reward in Republics—the approbation of the People. You may see it by the Use that has been made of the following Scrap laid on the Table by Mr. G. Morris May 3d, 1779. 'Tis the Extract of a Letter from Paris dated the 7th of Decr., 1778, and said to be written by a confidential Friend *of* the Minister of the Marine. Mr. Holker furnished it, so that it was probably *to* him.

“Mr. J Adams, le Deputé ne réussit pas ici que de Raison: il paraît être entièrement livré au Sr. Lee, lequel comme vous le savez est une espèce de fol.”

Mr. J. Adams the Deputy does not succeed here further than is reasonable: He appears to be intirely devoted to Mr. Lee, who, as you know, is a sort of mad-man.

The rest of the paper relates to an appointment of a Monsr. D'Obré who is Son in Law of Mr. Schweighauser at Nantes, insinuating that he

² Cf. nos. 476, 477, 479, *post*.

[471]¹ *Warren-Adams Letters*, II. 117.

² Much of Lovell's letter of Aug. 12 to Samuel Adams (no. 470, *ante*, passage omitted there) is concerned with the appearance of the Paca-Drayton Information in Boston, and with comments on the conduct and characters of Messrs. Cushing and Gray. Cf. nos. 478, 479, *post*.

betrays our Vessels to the People of Jersey because he is Son of the Mair of that Place. The Maliciousness of which I have many Vouchers by me that prove. The Paper concludes with an assertion that if Doctr. Franklin is not sole Deputy in France Things will go on but lamely or in his own Phrase with "but one wing".

I hope Mr. Adams will in a few days be with you: he was left off the western Isles on the 29th of June by a Vessel which arrived at Virginia Aug. 1st.³ I hope he will come soon on to Congress. And, as C[u]sh[ing] says, "People here" are of opinion that he ought not to come as a Delegate, but in his present Character, and with a proper Dignity, as if he was fit to deal with a *gallant* Nation. "People here", are my Circle. If Mr. A is resolutely determined not to negotiate a Peace for us upon being *unanimously* chosen for such a Work, *then* I would wish him to have an Election as Delegate if he only tarries a Month upon it; the Election to be made after he is *here*.

As to Peace, I am persuaded the eastern Delegates have always been justly dubious of the reality of any honest Intentions in Britain, tho' we were sure France and Spain were willing to know our Sentiments about Newfoundland and the Floridas. I am pretty sure that what the Gazettes say of the Mediation of Spain being rejected is true. Mr. Adams has sent Word that he is coming with good News, and I am told that a Vessel is now in this River after a short Passage from Nantes. I will go to Congress and will not seal till I know whether I can tell you any Thing more explicitly.

In find no Letters or Intelligence. But shall probably give you a Confirmation by next post of what we are told authentically from Martinique.⁴

With much Esteem I am, Sir, Your humble Servant,

[P. S.] I broke the Seal to tell that on the 28th of July at 15 Leagues from Boston in Latt 42 Mr. Adams was left in the *Sensible* 36 Guns with a Vessel of 24 and several of 14 and 16.⁵

472. A COMMITTEE OF CONGRESS TO BENJAMIN LINCOLN.¹

PHILADELPHIA 13th Aug. 1779.

Sir,

Your letter of the 4th June to Congress is committed to us, who are appointed a committee to correspond with the commanding officer of the forces in South Carolina and Georgia;² we had delayed entering upon

³ In his letter to Samuel Adams Aug. 12 Lovell says: "Hezekiah Ford arrived August 1st in Virginia. He left Mr. Adams June 29 off the Western Isles. Mr. Adams had *good news*. Ford will be here in a few days, when I will write you more fully." This information probably came through a letter from Francis Lightfoot Lee. See no. 478, *post*.

⁴ See nos. 462, 464-466, *ante*, and nos. 472, 473, 475, 480, *post*.

⁵ The source of this information is not apparent. The French minister, Luzerne, also came in the *Sensible*, which arrived in Boston Aug. 3. See Adams's letter of that date, Wharton, *Rev. Dipl. Corr.*, III. 276.

[472]¹ Harvard Univ. Lib., Sparks MSS., XII. 362; S. C. Hist. Soc., Laurens Papers, Letters, 1779-1780 (copy).

² Lincoln's letter of June 4 was read in Congress July 7 and the committee, consisting of Henry Laurens, Henry Marchant, and Samuel Holten, was appointed July 8.

the business, from a daily expectation of learning from yourself a detail of the action at Stono ferry, and from flattering expectations, that you would, at the same time, have informed Congress, of the total expulsion of Mr. Prevost from South Carolina.

Yesterday your despatches, by Major Franks, under the 21st June, containing an account of the action of the 20th and its consequences, were read in Congress; the enemy's retreat to Georgia, which we have heard of from various quarters, wants your confirmation.³

Congress have received intelligence from Martinique, indicating a determination, on the part of the enemy, to detach about 3,000 Troops from St. Lucia to this continent, most probably to So. Carolina.⁴

Enclosed with this will be found an act of Congress, of the [10th] Instant, requesting you to remain in your present command. The fewness of General officers in your department recommended the measure, as necessary to be attempted. . . .

473. JOHN FELL, DIARY.¹

[August 13, 14, 1779.]

Friday 13th. Com'l Committee. Congress The day spent in Reading the Instructions for the Minister to be employd to Negotiate a Peace

P M. Marine Committee

Ultimatom

Saturday the 14th. Com'l Committee Congress Draft of a Letter to the States, agreed to fill their Batallions and hold their Militia in readiness.² Motion made per Mr. Gerry to Adress Ireland to Revolt on the Question house divided it was Lost³

474. THOMAS BURKE TO THE NORTH CAROLINA ASSEMBLY.¹

[August, 1779.]

Among the variety of Business which came before Congress from the beginning of January, '79 to the midle of August,² the following

³ See the *Journals*, July 19, Aug. 21.

⁴ See no. 462, *ante*.

[473]¹ Library of Congress, Journals and Diaries.

² That is, the states were urged to do so. See the draft of the letter in the *Journals*.

³ A motion of this precise character is not found in the *Journals*, but the motion made by Marchant and seconded by Gerry, for the appointment of a committee to confer with the minister of France upon the intelligence lately received respecting Ireland, is doubtless the motion Fell had in mind. An editorial note in the *Journals* (p. 966 n.) states that the intelligence was contained in a letter from John Adams Mar. 26, 1780, laid before Congress Aug. 1, 1780. This is of course an inadvertence. Several letters written by Adams in March, 1780, and read in Congress Aug. 1 of that year do speak of a threatened revolt in Ireland at that time (see Wharton, *Rev. Dipl. Corr.*, III. 533, 571-572, 575, 689), but they were not, of course, the source of the intelligence which Congress received about Aug. 10, 1779. See no. 462, *ante*.

[474]¹ N. C. Hist. Comm. (in the writing of Thomas Burke).

² This report upon the proceedings of Congress from January to the middle of August was doubtless made to the North Carolina assembly October 25, 1779, for the delegates, Penn, Burke, and Hill, were requested to attend the assembly on that day "to give information with respect to Matters which have come under the deliberation of Congress since January last" (*N. C. State Recs.*, XIII. 833, 854, 922, 945). Burke

Objects Seemed to your Delegates to be of highest Importance to the united States in general, The army, Finances and foreign affairs. The votes and transactions relative to the two first are to be found in the *Journals*, Copies of which are transmitted to the Governor for the use of the State. I³ presume therefore that your Delegates are not required to give any particular Information relative to them unless some passages require Explanation, or their own particular Votes Stand in need of Justification. if Such be the case, I hope and request that they may be Questioned on such votes and passages specially, praying leave to suggest that any other mode would be tedious difficult and unsatisfactory and Protesting that I am at all times ready and willing to give all the Satisfaction in my power to the Assembly in any mode which shall to that honorable Body Seem most eligible. I am aware that some obvious remarks which will occur on perusing the *Journals* require answers and will Endeavour to give such as appear to me true, and hope they will prove Satisfactory. Tis obvious that much time is Spent on unimportant Subjects, that many Questions of Order are defeated and some of them perhaps decided in a manner that may appear extraordinary to Legislative assemblies.

The latter is Occasioned by the Nature of Congress which is a deliberating Executive assembly, to whose proceedings the rules of order Established for deliberating Legislative assemblies will not always apply without manifest Inconvenience and as Utility is the principle which gives rise to all rules of order, so whatever rule appears to a Majority to be contrary to utility must Necessarily be rejected as not order.

It must be confessed, and ought to be lamented that those circumstances make the rules of order in that assembly very arbitrary and uncertain, hence frequent disputes arise thereon, much time and debate are wasted, and the decisions at length depend upon the Integrity of a Majority. Thus Rules of order cease to be, what they ought, common checks upon Excesses; and being always in the power of a Majority, if that should be

and Hill appeared on the day appointed, and, while there is no mention of the report, they received the thanks of both houses and (through Burke) made response.

Burke's drafts of these responses, which are in the custody of the North Carolina Historical Commission, reveal numerous alterations made in the phraseology. One sentence in his response to the senate does not appear in the printed text (*ibid.*, p. 854). It precedes the final sentence, "Accept Sir", etc., and reads, "The Esteem and approbation of our Country we Consider as a reward Sufficient for the highest merit and Services, and Sincerely wish we could have rendered Such to our Country in a degree equal to our own Ideas".

In three of the four entries recording the adoption of the resolution requesting the delegates to attend the time set is given as "Friday next" (October 22), whereas the message from the house to the senate reads (as recorded in the House Journals) "Monday next" (*ibid.*, p. 922). "Friday" is doubtless an error of the recording clerk or the printer. Although the report was probably not drawn up until a few days before its presentation to the assembly, it is deemed best to place it at the close of the period to which it applies. Burke's attendance (until his return Dec. 8) ended Aug. 14.

³ This statement was originally written as from the entire delegation, the sentence at this point reading, "Your Delegates presume therefore that they", etc. Burke afterward went through a considerable part of it, changing the pronouns and verbs so as to make it a personal report from himself, but he did not continue the process of alteration throughout the entire document. There are numerous other alterations of phraseology, usually of a minor sort.

factions or Vicious will be unavailing against them, but always powerful Instruments in their hands. This Inconvenience can only be remedied by fundamental alterations in the Constitution of Congress, which ought to be beyond their own power to alter except by unanimous Consent. but the present times afford not leisure for such Improvements, and tis to be hoped that the Virtue of the present Race will prevent any great degree of Injury, before a Season of Tranquility shall arrive.

The former arises also from the Imperfect Constitution of Congress which cannot reject any Business, addressed to them by way of despatch through the President, before it has undergone some Consideration. When such applications respect the Interests of Individuals it too often happens that some member patronises the application, and a debate Necessarily Ensues which consumes much time, for it must be confessed that particular Interests are too frequently very strenuously contested and the very Effort to get rid of such applications in order to make way for more Important Business takes up a great part of that time which ought to be Sacred to great and general Concerns. Your Delegates with great pleasure assisted in passing a Resolution to correct this Evil in Some measure vizt. that on a motion for postponing no member should speak more than Once,⁴ and they have had the satisfaction of observing very good Effects from it the House being thereby enabled to come to a resolution for dismissing improper business, with much less Debate, and waste of time than heretofore. As the most Effectual Remedy for this Evil, it is much to be wished that the Delegates in Congress were free from the Solicitations of Interested Individuals, or immoveably firm against them. either, tho much to be wished for, yet, considering the frailty of human Nature, can Scarcely be expected, and the remedy for this Evil like many others must be referred to Seasons of Sufficient Tranquility for fundamental amendments.

In general with respect to the army your Delegates relied on the approved Experience abilities and Virtue of its Illustrious Commander for all Military Enterprises and Operations. In what related to arrangements and appointments, they always favored whatever tended to make their Condition more Comfortable and Satisfactory, whatever tended to hold out prospects of future glory and Competence to the gallant and faithful Soldier. But they were careful to admit no Ideas of Power in the Military Order Repugnant to, or interfering with the Civil authority, nor insolence to the Civil Magistrate of any State to pass with impunity,⁵ and they always opposed every attempt to exercise arbitrary acts of Power over any military person, always steadfastly maintaining that a Soldier does not forego the rights of a free Citizen by taking arms in defence of his Country, that the rules of his Conduct, mode of his trial, and measure of his punishments ought to be found in the promulgated Civil and military Codes, to the former of which he has given the general Consent

⁴ See the *Journals*, Apr. 27.

⁵ See, for instance, the proceedings in the case of Maj. Matthew Clarkson, the *Journals*, Feb. 1, 18, 24, Mar. 23, 24. For the case of General Arnold, in which the Clarkson case was involved, see no. 58, note 2, *ante*.

of a Citizen, and to the latter by subscribing the articles the particular Consent of a Soldier.

Your Delegates are happy in the Conviction that in all that relates to this important object they maintained principles, and observed a conduct Consonant to the Ideas of their Constituents, of which they consider as cogent proofs the Several acts of assembly made in favor of that Useful Virtuous and Meritorious part of our fellow Citizens who are chearfully undergoing all the Dangers and distresses of Military Service for their Country, and they beg leave to express their concern that those acts are not in all things Executed so as to give the full Effect to the liberality of the assembly.

With respect to finance your Delegates were of Opinion that the public Credit ought to be maintained by very Copious Taxation, well knowing that the ability to pay Taxes must always increase in proportion to the Increase of money, and much wishing that Taxes might have the Salutary Effect, of diverting much of that time which is now wasted every where in America, in blameable Idleness, or frivolous Amusements, to Industrious Exertions for Increasing the resources of our Country. they also wished to Correct the abuses in the Expenditure of public money, but I am sorry to say that such abuses are so Inveterate that they admit of no adequate Cure but from Vigorous Exertions of the States to furnish the Necessary supplies in kind according to their respective abilities.

All the efforts of Congress have been directed to the lessening of Expenditures, to the procuring of supplies of money by Loans and Taxes, and by such means to prevent further Emissions. But all their Efforts must prove ineffectual if not powerfully aided by Similar Efforts of the States for carrying their Resolutions into Execution.

Many States are availing themselves of the present plenty of money for the raising as much as possible by Taxes. The advantage of such policy and the Injury of delaying Taxation until the money becomes more difficult to be obtained, your Delegates presume are obvious, and cannot escape the Sagacity of the General assembly.

What relates to foreign affairs being preserved in the Secret Journals of Congress will require a more particular detail, and I will here give as full a Relation as the Injunctions of Secrecy which [I] am under will permit. Premising, that tho' I hold myself not at liberty to declare any thing which I have been enjoined to keep Secret, unless I perceive its tendency to be Injurious to my Constituents: or, unless I am particularly required by the assembly to lay such matters before them without reserve, yet in Such Cases I Consider the obligation I am under to my Constituents, superior to any which can be laid on me by Congress.⁶ But in the Conduct of Wars, and foreign Negotiations Many things will Occur which if divulged might lose every beneficial Effect, and produce Consequences very Injurious to the general Welfare. Such it is to be presumed no one State would Require to be divulged, unless their own peculiar Safety made it Necessary, and I am too well Convinced of the Wisdom, discretion and public Spirit of my Constituents, to doubt their

⁶ See nos. 401, 414, 420, *ante*.

permitting silence on all affairs of Such Nature. The foreign affairs have been considered in Congress under two general Heads. the State and dispositions of foreign Courts, the Conduct and Character of our foreign Ministers, and each afforded very Interesting objects, and produced long protracted Questions and debates.

With respect to the Conduct of our foreign Ministers. It was so Indiscreet that dissentions and Animosities had arisen amongst them which produced reciprocal Suspensions and Accusations, Nor had they the prudence to suppress or conceal them. on the Contrary, they suffered them to break out into heats and altercations, disgraceful to the Country in whose Service they were. The Consequence was, that they⁷ became almost useless.

Doctr. F. and Mr. Dean who principally conducted our affairs at the Court of Versailles Seemed to act in perfect Harmony, and to be fully possessed of the Confidence of the Court. Doctor Lee who was Joint Commissioner with them, accused them both of peculation, and criminal waste and misapplication of public money. Mr. Dean accused Doctor Lee of being Froward, proud, Supercilious, Malevalent, Suspicious, to so unreasonable a degree as to take unfounded Conjectures for facts, and to draw from them uncandid and disengenuous conclusions—with all, to be of a temper sordid and disgusting, and by his correspondence and Connexions [*sic*] with British Subjects and Emissaries to have become Suspected by the French Court of Infidelity—and Doctor Franklin Considered the same Gentleman as laboring under a Disorder of his understanding.

The appointments of the other Gentlemen were found to have been Useless and their part in the Enquiries, and proceedings of Congress, being inconsiderable, it seems enough to Inform the assembly that they were discontinued in office.

The Congress made a very Minute and painful Enquiry Concerning all the allegations of the different accusers and accused, but so deficient were they in Materials for affording Testimony that no Satisfaction could be obtained with respect to the guilt or Innocence of any.⁸

Mr. Dean alledged that his accounts would very fully refute the charge of Mr. Lee, but that not knowing that he was recalled for any other purpose than to give Congress Information of the Political State of Europe as it affected the united States, and being desirous of giving them Satisfaction without delay, and of hastening the Departure of Count DeEs-taing for America with the fleet under his Command, he did not take time to settle them before he left France.⁹ The accusations against him were founded upon Conjectures Surmises and Inuendoes, and the Settlement of his accounts would certainly prove either his guilt or Innocence, but they were in france, and all farther proceeding became impossible so that the Sense of Congress on the indisputable Merit of Mr. Dean as

⁷ At this point the following words are erased, "lost the Confidence of the Court at which they resided and".

⁸ See especially the proceedings Mar. 24, Apr. 15, 20, 21, 22, 30, May 3, June 8, 10.

⁹ See sundry letters of Deane, July to October, 1778, Wharton, *Rev. Dipl. Corr.*, II. 668, 680, 710, 716, 736, 739, 761, 779.

an Assiduous, able, faithful, and Successful Minister, could not with propriety be given while he lay under so heavy a charge as that of peculation. Doctor Franklin was involved with Mr. Dean.

The charges against Doctor Lee were no better Supported, and he himself was not present to answer. Upon the whole it appear'd to your Delegates, and in their Opinion to a great Majority of Congress, that the charges on all hands were much more the result of personal Ill will and Resentment than of Calm dispassionate observation and Enquiry. The Indiscretion of the Ministers and their Consequent Inutility were to your Delegates and many others perfectly Evident. They also thought that when Ministers of such high trust were accused of such Enormities nothing less than a full and clear Investigation by putting the parties personally on their Defence before their Country, and obtaining all possible light, concerning their Transactions, ought to satisfy the public. this was impossible unless the ministers were present, and therefore your Delegates were of Opinion that they ought all to be recalled. Agreeably to this principle they voted for the recal of Doctor Franklin,¹⁰ but, they confess, it was with great reluctance. they had a high Opinion of his Merit and Services, and gave little or no Credit to the charges against him, but they did not presume to think their opinion of his Innocence to be sufficient to satisfy the public without a Trial. they are glad of this Opportunity of Explaining their vote with respect to that able and faithful Minister, and honorable Patriot, and also to testify the pleasure they afterwards had when the Minister of France Informed Congress from the King that the appointing him sole Plenipotentiary to his Court gave him the highest Satisfaction, and would engage his utmost Confidence.¹¹

But the Sentiments of your Delegates, and of many others, in Congress were very different as to Doctor Lee. From his Letters, and from the concurring Testimony of many who were personally acquainted with him they Conceived him to labor under that Imperfection of Capacity which gives to trifles too much Importance, and to be of a temper so suspicious and unconciliating as to embarass all public Business in which he might be engaged.

They had also indubitable proof that he was not only denied the Confidence of the Court of Versailles, but deeply suspected by them: and the Connection and participation of Councils and Sentiments, between that Court and the Court of Madrid were so well known to your Delegates that they could not doubt of his standing in the same Predicament with both, and Consequently to be, not only, useless, but injurious at either. The proofs referred to are the following.

In Debate on the subject a Gentleman from Massachusetts Bay (Mr. S. Adams) declared that he had it from the highest Authority, that Mr. Lee was not denied the full Confidence of the Court of Versailles. One of your Delegates (Mr. Burke) remarking this declaration, and observing that it was directly opposite to the Concurring representations of all who came from Europe, and to the general opinion, as he was informed, of France

¹⁰ See the *Journals*, Apr. 22.

¹¹ See the *Journals*, July 14 (p. 830), and nos. 401, 420, *ante*.

and America he requested the Gentleman to name the authority he alluded to that other gentlemen might have an equal Opportunity of obtaining such good Information which might prevent their giving their votes, to the prejudice of a gentleman who possibly might be a man of great worth, tho misrepresented through prejudice and popular Error. the Gentleman declined naming the Authority, and Mr. Burke, in company with General Nelson a delegate from Virginia, paid the Minister of France a Visit, in which the Conversation being introduced, the minister delivered himself to the purport which is contained in a paper hereto annexed. Mr. Burke reduced it to writing, and comparing it with Mr. Nelson both agreed that the substance of the Conversation and almost the words were recited.¹²

other Delegates Impelled by the same Motives made more direct application to the minister and Mr. Paca, a Delegate from Maryland, and Mr. Drayton, a delegate from South Carolina, obtained from him an Extract of a letter from the Count de Vergens which Communicated certain dispositions, and transactions in European Courts to be Committed in Confidence to Congress, of which our own Minister[s] were entirely Ignorant, and which in the Extract referred to accounts for that Ignorance by declaring that he feared Mr. Lee and those about him. These Several Testimonies were laid before Congress, but to the great surprise of your Delegates and many others the votes were, for recalling Mr. Lee 4, against it four, and four divided. By this Division he Still continued Plenipotentiary to the Court of Madrid.¹³

Your Delegates are unable to account for this division on any other ground than that of a Secret Combination in his favor formed by his Brothers, who had been Members of Congress for a long time preceding, but this, tho it obtruded itself on the observation and Conviction of your Delegates and many others in Congress, yet as it can only be the result of Conjecture, and from its Nature is incapable of direct proof it does not become your Delegates to assert it as a fact, and therefore they only Suggest it as a Conjecture which forced itself on the Minds of many of the Delegates, and which obtained additional Force from many Circumstances that could not escape observation, particularly the following. It was observed that several Gentlemen in debate threw out Suggestions that the House was divided into partizans of Mr. Dean and Mr. Lee, and that the Endeavour to recall the Latter was an attempt to Sacrafise him to the former. your delegates heared these Suggestions with Indignation, and Considering all Individuals and their Interests as inconsiderable objects compared to the public Service, and being firmly persuaded that Neither of those Gentlemen could any longer be useful, they wished to see both removed. A Motion was made by one of your Delegates (Mr. Burke) for detaining the one and recalling the other for the purpose of Investigating more fully the allegations of Mr Lee against Mr Dean

¹² See no. 216, *ante*.

¹³ See the Paca-Drayton Information, in the *Journals*, Apr. 30, and the proceedings May 3.

This motion was lost by an equal Division the members voting against it who favored or made the foregoing Suggestions.¹⁴

upon the whole, your Delegates could find no Sufficient Cause proved for degrading any of the foreign Ministers tho they saw plainly that none Except Doctor Franklin could be any longer useful and even him they thought it right to recall in Order to give Satisfaction to the public by a trial and that all of them, not excepting Doctr. Lee, had some Merit, particularly unwearied Attention and Industry.

With respect to the State and disposition of foreign Courts Early last february the Minister of France in a private Audience informed Congress¹⁵ by the special Command of his King That England had failed in her application to the Court of Russia for Succors, that peace had taken place between that and the Ottoman power under the Mediation of his Master, that Austria and Prussia had also Submitted their differences to his Mediation, in which at his own request he was Joined by Russia, That from all the Arrangements in Europe it appeared certain that Britain could Obtain no alliance among the Northern powers nor had our Confederacy anything to apprehend from thence, That the King of Spain had offered his Mediation between Great Britain and France, declaring that if it should be refused or Evaded he would no longer Stand Neuter and see the Arms and power of France Injured and Insulted, That as a preliminary Article the Indep[en]dence of the united States of America must be acknowledged. he in the name of his Master also recommended to the Congress to be prepared to take their place in a Negotiation for Peace which would probably take place, under such Mediation, and might be daily Expected, and to furnish their Ministers with an ultimatum, as moderate as possible; remembering always that the Events of War are uncertain, that peace is Exceedingly desirable as well to France as America, that nothing of Importance ought to be Committed to the former which could be obtained without, and that nothing ought to retard the latter which was not absolutely Necessary to our Safety.

That in the Cabinet of Britain there was as early as October '78 a great party in favor of acknowledging our Independance, and that it was prevented only by the Hopes which the Commissioners gave of disunion amongst us, to excite and Continue which they had employed and rewarded Several Individuals in America.

He also recommended Secrecy and dispatch that Spain might be properly informed of our resolutions and enabled to press Britain to a decisive declaration in time to take part in the War and to commence her operations with the then Ensuing Campaign.

Also that as it was possible the Pride and obstinacy of the British Monarch might still hinder the much wished for peace, we should be prepared to carry on the war against him with Successful Vigor. in order to which it was very adviseable to come to a friendly understanding with Spain, and, engaging her in alliance with us as well as with france,

¹⁴ See the *Journals*, June 10; also Laurens's notes. Apr. 28, 30, May 6, June 10, 11, nos. 226, 240, 250, 337, 338, *ante*.

¹⁵ See the *Journals*, Feb. 15, 17, 23; *cf. ibid.*, Mar. 1, 17, 19, July 14. See also Gérard's memorial of Feb. 9, Wharton, *Rev. Dipl. Corr.*, III. 39.

to obtain Effectual aid both of Force and Money from her, that in such Event we might obtain from her a Subsidy on very easy Terms which if prudently managed might restore the Credit of our Money, that the King his Master was prepared with all his force, which he would employ without reserve to force Britain into an acknowledgement of our Independence, That this was the only object which he proposed by the War, and when obtained he would chearfully lay down his Arms, But that he would assist with all his weight and Influence to obtain for us by Treaty any thing farther which we might require.

In Considering this Important Communication the Congress were Necessarily led to take a view of all the objects which were Interesting to the States Individually or Collectively—to Insist on what were Essentially Necessary to the latter was unanimously agreed to.

but great difficulties arose concerning such as might be deemed peculiarly important to some, and remotely so to all. almost every State could point out such as were to her peculiarly Interesting, but the Importance of many of them to the whole depended on remote contingencies, and the right to them was founded more on casuistry, and metaphysical reasoning, than on the received Laws and Customs of Nations

Your Delegates Considered that the State of America in general made Peace too desireable to be delayed for the discussion of such rights, or for the obtaining of such objects, and very early fixed their resolution to observe a profound Silence with respect to all such objects, and insist only on such as were Indispensibly Necessary for the Safety of the whole. Thus to leave to the more vigorous growth of future ages to assert disputed claims while they would secure to the present what might be Necessary for fixing Deep the roots, and cherishing the National Strength to a prolific Maturity. pursuant to this resolution they declined insisting on some objects which were undoubtedly of great Importance to this and many of the Neighboring States, the delegates of such States concurring with them. the Delegates from some very respectable States did not seem Impressed with an equal Sense of the great Expediency of peace and insisted very Strenuously and pertinaciously on making a certain object¹⁶ part of our ultimatum which was peculiarly Interesting to the States they represented, and which is far from being indifferent or unimportant to the whole. some part of this object, (and in the Opinion of your Delegates sufficient for the purposes of America for many ages if not for ever) appeared to be involved in the general Rights of Sovereignty and Independence and so far every one was willing to Insist at all Events.

But their claims Extended so far as to Interfere with the rights which must by the Law of Nations belong to Britain after the War, and such rights as Britain is always Jealous of in so high a degree that She would make War at any time to prevent encroachments on them.

The Delegates alluded to attempted to support their claim to the Extended object on the right of occupancy. [it appeared to your Delegates

¹⁶ The fisheries. The principal discussions may be traced in the *Journals* by the following dates: Feb. 23, Mar. 17, 22, 24, May 7, 8, 12, 22, 27, June 3, 17, 19, 24, July 1, 6, 17, 22, 24, 29, 31, Aug. 3, 4, 5, 7, 13, 14.

and to many others That Such Occupancy could not be an Occupancy of the united States, because their political Existence would not admit of it.] ¹⁷

Your Delegates and many others who could not perceive the Justice or force of their arguments concluded that insisting on such an object would be, in Effect, refusing to make peace, and might even expose us to be deserted by our ally who might not think himself engaged to Continue in a state of Hostilities with a powerful Nation for such an object for his ally, and not chusing to risque the Continuance of the Calamities of War on the Success of reasonings which appeared to them futile, and which they were well persuaded would be wholly disregarded by Statesmen, they vigorously opposed the making of the object in the Extent required, an ultimatum. But being extremely desirous to gratify as far as they could the States who were peculiarly Interested, for whose People they have the highest respect, they Consented that it should be an ultimatum provided our ally should be in Condition to Continue Hostilities for it in Conjunction with us. This passed the Congress by very general if not unanimous Consent but not being Satisfactory to the Delegates who contended for the object they moved to reconsider it and were Indulged. It was now the 24th of March, and every day for a considerable time was expected to be the last which should delay this important Business. But tho' they and many others used their utmost Efforts to bring the affairs to a Conclusion yet it could not be Effected before the Middle of August,¹⁸ during all this time it was often postponed for Business which appeared to your del[e]gates of far less importance, and they were sometimes obliged to Concur for prudential reasons which the Sagacity of this Assembly makes unnecessary to mention.

The Struggle was very arduous and pertinacious on both Sides The one Considering a peace as inadmissible without an absolutely [*sic*] acknowledgement of the right they claimed, and a Security for the undisturbed Exercise thereof, The other Considering the claim to all that Exceeded what was involved in the general right of Sovereignty and Independance as Extravagant and Insupportable, all, so involved, as Necessarily Secured by a Peace acknowledging that Sovereignty and Independance, and too well Convinced of the Expediency of Peace to Consent to its being delayed for objects of ambition or rapacity.

The former availing themselves of all their Ingenuity and address to obtain resolutions of Congress, which, tho not apparently, might by Consequence prevent a peace until their favorite object should be secured. the latter firmly persuaded that the Sense of the great Body of the People through all the united States was with them, bec[a]use such must arise from their Interests and Circumstances, that it was their Indispensable duty to prevent every obstruction to peace but such as were unavoidable, and that the direct operation of every resolution which should be passed on so important a Subject should be plain and unequivocal were

¹⁷ Opposite the passage in brackets Burke has written "Dele", but the passage is not crossed out.

¹⁸ See the *Journals*, Aug. 14. This is the last day on which Burke is recorded as present.

ever watchful to pervade every proposition, and by proposing Amendments, to Strip it of every artificial Coloring until it was brought to the Simple Question " Shall the War be continued merely for that object?[""]

as in this form it was impossible to obtain a vote of Congress to the affirmative, so when it was perceived that no Question could be put but what must plainly come to this point those who Contended for making the object an ultimatum availed themselves of advantages which the rules of Debate and forms of proceeding in Congress gave them, and prevented the decision all together. Thus was much time wasted in Endeavouring to reconcile opinions So Opposite on Subjects of the highest Importance. At length it was rested on a resolve passed early in the progress that the object as far as it is supposed to be involved in the right of Independence should in no event be given up, but no other Stipulations relative to it in a Treaty of peace were permitted to be a part of the ultimatum.

Some resolutions were entered into for the better securing the undisturbed Exercise of the Right as[serted, to] which your Delegates did not Con[sent, as they did not believe]¹⁹ that their powers Extended to the entering into such Engagements as were proposed. but it would be premature and Improper to mention the particulars of such Engagements at present. your Delegates hope it is Sufficient to inform the assembly that their dissent will appear on the Journal, and the State may avail herself thereof should it hereafter be deemed Expedient.

The Minister of France had a Second private Audience of Congress in July and then informed us of some difficulties which prevented the success of the Mediation of Spain which it required the Wisdom and Moderation of Congress to remove.

The Congress resolved on the Measures which appeared to them the best for removing them, and if not too late, your Delegates have strong hopes in their Success.²⁰

No Conclusive resolutions were entered into relative to the proposed alliance with Spain while any of your Delegates who have now the honor of informing the Assembly remained at Congress.

475. JOHN ARMSTRONG TO HORATIO GATES.¹

PHILADA. August 16th 1779

Dear General

. . . . At present we are favoured with a flood of good News, the taking of St. Vincent and the Granada's together with some degree of Victory over Admiral Byrons Fleet by the Count De Estaign, are we believe matters of fact, and anxiously wait to hear the consequences of the latter or in what manner the good Count may be directed to improve his Victory. The Agent of Congress (Bingham at Martinique whose name and the thing too Congress at present seems rather disposed to conceal) expressly

¹⁹ Some words in the manuscript at this point have become obliterated. For the resolutions referred to, see the *Journals*, June 19 (Gerry's propositions), 24, July 1, 24, 29. These and the other resolutions relative to the fisheries are brought together in a document printed in the *Journals* under Aug. 4.

²⁰ See the *Journals*, July 10, 12, 14, 22.

[475]¹ N. Y. Hist. Soc., Gates Papers, XV. 298.

tells us that the British Court hath rejected the mediation of Spain, the effect of which will instantly throw that Court into the scale of France and America.² The harmony of Congress rather grows than otherwise, there being but one point now on the Carpet in which the House stand Martialed on every side (the retaining or —— [sic]³ of Arthur Lee) for the Fishery I think has gained a sufficient political basis in effect amounting to an Ultimatum or *Sine-qua-non*.⁴

On Finance, particularly the Apreciation of our Money and means for domestick Loans in order to prevent farther emissions, a more vigorous and effectual stimulas to Money holders must in my Opinion be suddenly thrown out, that as little as possible on this essential point may be left to doubtful contingency and caprice. this will probably soon be agreed on to good effect⁵

A certain Committee⁶ whereof I am One have prepared a report for your reinforcement but a good friend of yours wishes the report kept back a little in hope of being able to make it better. I shall again press the Committee upon it one way or other. My declining Constitution has had a struggle to keep on foot for a week past but now somewhat better, and if the bow of Congress were fairly shot at a few capital things, I shall God willing take a final leave of all publick stations.

I am dear General most sincerely

And Affectionately Yours,

JOHN ARMSTRONG

476. THE COMMITTEE OF CONFERENCE, REPORT.¹

Representation of the Circumstances respecting the Western Frontiers communicated by a Committee of the General Assembly of Pensylvania and also Copies of the Memorials and Letters from the Govern'rs of Connecticut and New York respecting the Depredations on the said Frontiers as transmitted to the Commander in Chief, who is directed to take effectual Measures for the Protection of the Inhabitants and chastisement of the Savages etc.²

² See the *Journals*, Aug. 2, and nos. 453, 454, 466, *ante*.

³ Armstrong was evidently in doubt as to the word which he should use, inasmuch as the precise nature of the action to be taken was as yet a matter of uncertainty. Members generally used the word "recall" (see, for instance, nos. 250, 338, 474, *ante*, and nos. 580, 581, *post*); but *cf.* nos. 296, 297, *ante*, and the *Journals*, Oct. 13.

⁴ *Cf.* no. 462, *ante*, and see the *Journals*, Aug. 14.

⁵ See the *Journals*, index, Finance. *Cf.* nos. 441, 449, 461, *ante*, and nos. 500, 506, 508, 515, 516, *post*.

⁶ This was the committee (Marchant, Huntington, and Armstrong) appointed July 13 on Washington's letter of July 7. *Cf.* nos. 410, 462, *ante*. The "good friend" was evidently Henry Marchant. See his letter to General Gates, Aug. 24 (no. 491, *post*). [476]¹ N. Y. Pub. Lib., Myers Coll., Distinguished Americans, p. 634. The document is endorsed, "Report of Committee of Conference with the Commander in Chief 16 Aug. 1779".

² See the *Journals*, Feb. 16 (pp. 189, 190), 25, Mar. 13. This committee of conference was appointed Dec. 24. It comprised James Duane, Jesse Root, Meriwether Smith, Gouverneur Morris, and Henry Laurens. The report was evidently made in compliance with the resolution of July 26 calling upon the committee to make a report of its proceedings. A minute of the committee's proceedings Jan. 31 is found in the preface to vol. XIII. of the *Journals* (p. 7).

On the 9th of March their Report respecting the Number of Battalions of Infantry to be employed was agreed to in Congress. On the 16th your Committee offered their Report for inlisting Waggons during the War; And their Report that Warr't Officers be put on the same Footing with regard to arrests as those of the Line. And a Report for the better regulating the Department of issuing Commissaries of Provisions.

On the 22d your Committee reported a Plan for Cloathing the Army; and on the 23d it passed Congress. On the 12th of April, their Report for allowances of the full Value of Rations to Officers was considered and postponed and on the 13th recommitted. On the 14th a Motion to recommend it to the several States to make Provision for Supplying their Officers with certain Necessaries was referred to your Committee. On the 12th of June, a Memorial from the Officers of Light Dragoons was referred to your Committee, and they were directed to report speedily a provision for the Army. On the 5th of July a Letter of the 31st of May from Colo: Shephard and 16 other Field Officers, and on the 6th a Letter from the Commander in Chief of 27th June were referred to them: Your Committee have reported half pay for Life to the Officers and their Widows; And an additional Subsistence for the present.³ on the 12th They reported on the Letter from the Governor of North Carolina respecting the March of the Troops of that state etc.⁴

That the Letter and Enclosures from General Schuyler (respecting which your Committee with the Commander in Chief were to take order,)⁵ containd a Request from the Oneidas, a friendly Tribe of the Six nations, for protection against the common Enemy; and your Committee have submitted it to the Commander in Chief to pursue such Measures thereon as he shall Judge adviseable

That the rest of the Reports being on the Files of Congress your Committee refer to them respectively

Your Committee having thus presented a general Review of the several Matters committed to them beg leave to remark more particularly, that the Operations of the then ensuing Campaign were frequently the Subject of Conversation. That the Commander in Chief's Sentiments and Observations thereon which are expressed in the Papers No. 1, 2, and 3 herewith presented⁶ appeared to your Committee to be Solid and uncontrovertible, and that your Committee had the satisfaction of concurring with him fully on every Point; and having nothing to communicate from Congress left him, under an explicite approbation of his Ideas, to the free Exercise of his own discretion in conducting the Military Operations untill he might receive the orders of Congress. That your Committee conceive that he is by the Act of Congress of the 19th of January vested with competent Authority to conduct the Operations of the Campaign in every Quarter as he shall Judge fit: being under no other direction to their

³ See the *Journals*, May 24, June 12, July 14, 30, Aug. 11, 12, 16, 17, 18. Cf. no. 470, *ante*, and nos. 477, 479, *post*.

⁴ The preceding paragraphs appear to be in the writing of Charles Morse, a clerk in the office of the secretary of Congress; the remainder is in the writing of James Duane.

⁵ See the *Journals*, Jan. 14.

⁶ These papers have not been identified.

Knowledge than what is implied in the Act of Congress of the 25th of February last and the references accompanying it, which are already noticed

That two Reports of your Committee remain to be considered by Congress one respecting Prisoners of War in the Marine and the other the Appointment of Aids to the Brigr. General in the room of their Brigade Majors who are employed in the Inspectorship.

All Which is Submitted the 16 Aug 1779

JAS. DUANE, Ch. for the Committee

477. JOHN FELL, DIARY.¹

[August 16, 17, 1779.]

Monday 16th Com'l Committee Congress. Letters, Memorials etc. A very extraordinary motion was made to Postpone the Resolution for half Pay for Life to the Officers to make way for a Motion for the States to Provide for them in their own way²

Tuesday the 17th, P M. Sett off for Petersfield and Returnd to Philadelphia in the morning of Monday August the 30th.³

478. JAMES LOVELL TO RICHARD HENRY LEE.¹

August 17th, 1779.

Dear Sir,

Your favour of the 7th is in my hand. I am surprised that you had not then heard of the arrival of Ford on the 1st, at Metompkin.² Mr. Adams was at Braintree on the 3d, and Count Luzerne in Boston.³ I have no despatches from either, but I have a letter from Nantz of May 25th, an extract of which you will see in the paper of to-morrow, as well as the continuation of Rowland's communications, of part of what you think ought to be published.⁴ You talk of your having a sort of right to a copy of the papers sent by Arthur. You little know of the droll motion made by your *merry* friend⁵ to stigmatize Arthur for having enclosed to an

[477]¹ Library of Congress, Journals and Diaries.

² The *Journals* for Aug. 16 do not record such a motion. Cf. the resolves of Aug. 17, 18. See also nos. 470, 476, *ante*, and no. 479, *post*.

³ See no. 498, *post*, where the entry is continued.

[478]¹ N. Y. Hist. Soc., *Collections: Deane Papers*, IV. 61; Lee, *Life of R. H. Lee*, II. 146.

² Presumably Menokin, the seat of Francis Lightfoot Lee, is meant. The letter of Aug. 7 to Lovell has not been found, but letters of that date to Laurens and James Searle are in *Letters* (ed. Ballagh), pp. 100, 104. Concerning Hezekiah Ford, see Lee's letters to Jefferson and to Arthur Lee Aug. 12, to Laurens Aug. 13, to Whipple Sept. 4, and to Jefferson Sept. 20, Oct. 13 (*ibid.*, pp. 112, 116, 117, 144, 152, 157). Cf. nos. 488, 496, 533, *post*. For some account of Ford, see Wharton, *Rev. Dipl. Corr.*, I. 539.

³ See no. 471, *ante*.

⁴ Communications of "Rowland" (Richard Henry Lee) pertaining to the Deane controversy appeared in the *Pennsylvania Packet* Aug. 10, 17, 24, 31. They are found in N. Y. Hist. Soc., *Collections: Deane Papers*, IV. 49, 63, 73, 79, and in *Letters of Richard Henry Lee*, II. 108, 125, 132, 138. See no. 460, *ante*, and nos. 501, 553, 599, *post*.

⁵ Meriwether Smith. In a letter to Henry Laurens, Aug. 1 (*ibid.*, p. 98), Lee says: "I think with infinite contempt and a good degree of detestation of my *Compatriot* M. S. If he produces papers that can in any manner affect my character, I affirm they are forgeries, and thus I have done with him."

individual what he desired might be communicated to a select committee of Congress, to prevent the consequences of a *palam* examination of the vouchers. But as on the one hand I contended for an open reading of the whole that was sent, I most easily convinced the House that every officer in their service has a right to communicate *such* papers as these in question to any individual friend, on whose judgment he chooses to depend, either to present or burn resignations, memorials, and defences, these being personal concerns; and I mentioned having by me some things, thus enclosed, upon which I should act my sovereign pleasure. I thought this necessary, that I may act with a good grace, if I should see cause to give in any of the papers now in my trunk, at a time when it would not be possible to prove a late arrival. The motion was withdrawn, inch by inch, I pledging myself to prove that Congress never had an *official* paper kept from them by the mode mentioned in the motion, viz., covering *despatches* of a minister to an individual. I mean, I pledged myself, so far as concerns Arthur Lee, Esq.⁶ Your brother was totally mistaken as to D's credit here; but I wait with impatience to know more by Mr. Adams. Our Penobscot expedition is not yet well over. Collier⁷ may do great hurt there. I have a few lines from Mr. Samuel Adams; he is, as you think, greatly engaged in town and *body* meetings, and in the general assembly. They have great expectation of mending the currency by vigorous taxation and loan; but I look for credit to the poor *eastern* states mainly from a successful expedition, though even in that case W. H. D. will be against them. He spouted an invidious motion about their fleet to relieve South Carolina and Georgia. Observe the cursed rascality of sending to New York, as well as to Boston, the Paca-Drayton effort. Though in the former case, there is a supererogatory section, of its being a committee information.⁸ I find that paper is stolen from me. It was either Poughkeepsie or Fishkill; you can get it by inquiring of your printer. I have recovered it. The party are provoked beyond measure at seeing the vouchers sent out by Rowland; but I tell them "they are free for any member who chooses to use them, only it is at his peril, if he does not guard against offending France, Spain or Prussia, or exposing *honest whigs* to danger "

. . . .

479. JAMES LOVELL TO SAMUEL ADAMS.¹

Aug. 17. 1779

Dear Sir

. . . . Do look at Holt's Aug. 12.² See the Paca-drayton Folly authenticated as by a Com'tee. I think now we may *any of us* talk about *general*

⁶ It is not clear just when these proceedings took place. With regard to Lovell's sundry suppressions, cf. no. 450, *ante*, and nos. 496, 536, 562, *post*.

⁷ Sir George Collier, British admiral, who, with General Tryon, had recently ravaged Connecticut towns (see no. 429, *ante*, and the *Journals*, July 19, Aug. 16). On Aug. 14, three days before this letter was written, Collier had defeated the Penobscot expedition.

⁸ See no. 471, *ante*, and no. 479, *post*.

[479]¹ N. Y. Pub. Lib., Samuel Adams Papers (second sheet bound at end of 1780).

² That is, the *New York Journal*. The principal part of the article was reprinted in the *Pennsylvania Packet* of Sept. 23, contributed by "Honestus", with comments and suggestions. The latter is found in N. Y. Hist Soc., *Collections: Deane Papers*, IV. 105. Cf. no. 478, *ante*, and no. 533, *post*. Concerning the appearance of the Paca-Drayton Information in Boston, see no. 471, *ante*. Cf. no. 512, *post*.

Pacificat. The Rascals mean to make some of us appear to be the sole Causes of the Continuance of *War*, throwing out of Sight that there never was any *honest* proposition or even *desire* of Peace in Britain that we knew of. . . .

Cunning Folks here are for perfecting and forwarding, to a *proper* Negotiation, the Patchwork *now* on our Table though the Mediation of Sp'n is rejected because, say they, it will shew our *Moderation* to Europe, when Gr Br. makes her Appeal to them of her *Necessity* to go on with Blood.³ I fear Mr. J. A. would not trust himself again in such a Kind of Service as he [has] experienced. But by pushing for first and compromising for an *unanimous* Choice, our worthy Friend A would be the Man.⁴

I believe we shall be able to combat Half pay *for Life*, only by an Exchange of that Motion for a Recommendation to the states to do Justice by Half pay for Life *or* such other Provision as they may find adequate to the Intentions of the first Motion which are to keep the army together some of whom do, what I call, *menace* the Continent, making a stalking Horse of their *real* Sufferings.⁵

480. NATHANIEL PEABODY TO JOSIAH BARTLETT.¹

PHILADA. Augt. 17th 1779

Dear Sir

Your favour of the 30th Ult. No. 3. pr the Post Came to hand Yesterday. I am hapy to find that our paper Currency is in Some Measure retrieving its Lost Credit, And that the prices of the Necessaries of life has got the falling Sickness, that there is a prospect of a plentiful Harvest with You this Season. I am anxious to know the fate of the Penobscott Expedition. It is believed here that the Enemy have Sent a Considerable reinforcement from N. York—hope they will arrive too late to prevent our Success. Notwithstanding the reinforcement Said to be expected by the Enemy, from Great Britain, it is pretty Certain the movements of the French and Spanish Courts raised Such fearful apprehensions, at the Court of Britain, That Admiral Arbuthnott with 4000, of the land forces, destined for America, had not Sail'd, when our last accounts came from thence, which was Some time after they were Said to have Sail'd. And by Some Circumstances lately Come to my knowledge lead me to Conclude his attention will be engaged by objects Nearer home.² I omit mentioning the favourable, intended, operations of the Courts of France and Spain, on a presumption You will have intelligence much Earlier. I inclose You the *Journals* of Congress as published from the 21 of June to the 26th of July—as also Several Newes papers which may Serve for the perusal of the Hon'le Committee of Safety. I need Not inform You that there is another Journal of proceedings not yet made Public as many matters to which they refer remain unfinished

³ See the *Journals*, Aug. 14. Cf. *ibid.*, Aug. 5, 7.

⁴ See nos. 547, 552-554, 556-559, 562, *post*.

⁵ See the *Journals*, Aug. 17, 18, 19. Cf. nos. 470, 476, 477, *ante*, and no. 484, *post*.

[480]¹ Dartmouth College Lib., Bartlett Corr., vol. II ("No. 5").

² Cf. nos. 462, 464-466, 471, 472, 473, 475, *ante*.

I have many things to write unto you which must be postponed till a proper time to unbosom myself to you freely. if I live to return home Shall exert every Nerve to induce the State to assert, Support, and maintain her Sovereignty and independance against the Tyranic strides of Certain Aristocratical Gentry Now in ——— and Useing their Hostile influence to Subjugate the E. and force them to a Compliance with Measures injurious degrading, and Contrary to every republican principal. This moment while I am writing a Long Letter dated Passey may 26. 1779, has Come to hand from Dr. Franklin and as the Secretary is Reading it I extract the following viz.³

481. FRANCIS LEWIS TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA 18 August 1779.

Dear Sir

. . . . Mr. Duane who is now upon his journey to the Manor will I suppose, in person give you information as to the proceedings in Congress. By this Express I send you their weekly printed Resolves, for the perusal of the legislature now sitting. I have collected twenty Copies of each sett and now send you four of each, shall send the remainder by other opportunities.

I shall only beg leave to make the following remark i e the little state of Nw Jersey allow their Delegates in Congress twenty Dollars per diem, and a dollar is rated here in the purchase of necessaries equal to three pence of the old Currency. In the Years 1775 and 76 board and Lodging were at four dollars per week exclusive of liquors, it is now at 100 dollars per week, liquors 60 dollars, in short the Delegates of every other state in the Union have a more ample allowance than ours. You'l excuse this hint, but with me it is become necessary having been plundered of nearly my whole property by the Enemy.

P. S. Pray communicate to the Chancellor ² when you see him

482. SAMUEL HUNTINGTON TO JEREMIAH WADSWORTH.¹

PHILADELPHIA 18th August 1779

Sir

Your favour of the 8th Instant I receiv'd by Mr. Flint am very sorry you think of quitting your department so soon. the Risque is so great in appointing a new person to the Office which must be attended with most serious consequences if he proves unequal to the business ²

Have Convers'd some with Mr. Flint and the Committee will obtain from him all the Information they can on the Subject of the Commissaries department.

³ Franklin's letter is in Wharton, *Rev. Dipl. Corr.*, III. 186.

[481]¹ Maine Hist. Soc., *Revolution*, IV.

² Robert R. Livingston.

[482]¹ Conn. Hist. Soc., Jeremiah Wadsworth Papers.

² Concerning Wadsworth's resignation, see the *Journals*, Oct. 22, Nov. 29, Dec. 4.

483. SAMUEL HOLTEN, DIARY.¹

[August 19, 1779.]

19. Colo. Partridge arrived here from Mass'tts, a delegate. This day I took my seat at the marine com't, Congress having appointed me thereto.

484. THE PRESIDENT OF CONGRESS (JOHN JAY) TO
GEORGE WASHINGTON.¹

PHILADELPHIA 20th: Augt. 1779.

Sir,

Herewith enclosed Your Excellency will receive a copy of three Acts of Congress, of the 17, 18, and 19th: Inst.²

Congress have under Consideration further Resolutions on this Subject, calculated to do equal Justice to the whole Army, and remove every cause of complaint in their power to remedy.

485. A COMMITTEE OF CONGRESS TO NATHANAEL GREENE.¹

Sir

We have received your letter of the 10th, with the Accounts therein mentioned, and shall be obliged to you for the "Estimate" which you say you can furnish, "of the Camp Equipage and stores for such an Army as is mentioned, together with the Teams and Apparatus proper to put it in motion, with the Artificers, Waggoners, and other different Agents of every denomination to accompany it".

When we had a conference with Col. Cox, among other things, we desired in particular to have as soon as possible a Return of the number of Horses and Teams, purchased since the 2d of March 1778, and the prices, and the number now belonging to the Continent, which he gave us reason to expect we should receive in a short time. We also requested an account of the Quantity, Species, and Prices of Forage purchased in the same time. This Return and Amount we should be very glad to receive.

We inclose a copy of Mr. John Bancker's Memorial referred to us, and as it relates to a transaction in your Department, we desire you will be pleased to order an Inquiry to be made, and a State of the Facts to be Transmitted to us.²

We are Sir,

Your very Humble. Servts.

JOHN DICKINSON
NATH. SCUDDERPHILADELPHIA August 20th. 1779
Major General Green[483]¹ *Essex Inst. Hist. Colls.*, LVI. 27.[484]¹ Library of Congress, Letters to Washington, XCIII. 309; President's Letter-Book, p. 177.² The resolutions relative to half pay, etc. See, further, the *Journals*, Dec. 1. Cf. nos. 470, 476, 477, 479, *ante*.[485]¹ Copied from the original, then in possession of Mr. Stan. V. Henkels of Philadelphia.² Bancker's memorial was presented to Congress Aug. 14. The committee for arranging departments (Dickinson, Sherman, and Scudder) was appointed May 28. For some of its activities, see the *Journals*, July 6, 8, 9, 15, 23, Aug. 2, 3, 11.

486. THE MARINE COMMITTEE TO THE PRESIDENT OF PENNSYLVANIA
(JOSEPH REED).¹

PHILADELPHIA, August 20th, 1779.

Sir,

Your Excellency's favour of yesterday is now before us.²

It gives us great concern to hear that "a spirit of Insolence and Outrage manifests itself in the Officers and men of the Continental Vessels", and your Excellency may rest assured that this Committee will discountenance every attempt of the officers and men under their direction to treat the Magistracy or any Persons in the execution of office with insult and Contempt.

We find ourselves embarrassed with the particular Cases referred to in your Excellency's Letter; as on the One hand, to pass censure on those Officers, without hearing them in their defence would be considered as an act of injustice; and having no Authority to call before us any Citizens of this State whereby we might come to a thorough knowledge of the Merits of the Case Stated, an *ex parte* enquiry might lead to a partial decision on the other hand. we therefore hope that the civil Power will effectually redress the injuries complained of, and, we trust, prevent the like in future.³

We are with much Esteem and respect,

Your Excellency's Most Obedient Hble Servants,

WM. WHIPPLE, Chairman.

487. THE PRESIDENT OF CONGRESS (JOHN JAY) TO THE PRESIDENT OF
PENNSYLVANIA (JOSEPH REED).¹

PHILADELPHIA, 22nd Augt, 1779.

Sir,

I have the honor of informing you that the Honble the Sieur Gerard has laid before Congress a commission from his most Christian Majesty appointing him Consul General of France in the United States of America with power to appoint Consuls and Vice Consuls, and that in virtue thereof he did on the 15th day of July, 1778, appoint the Sieur John Holker, Inspector General of the commerce and manufactures of France to be Consul in the Ports of Pennsylvania, and on the 19th day of September, 1778, did appoint the Sieur Martin Oster to be Vice Consul of France in the Ports of Pennsylvania. These appointments have been made known to and approved of by Congress, and with the said Commission are duly registered in the Secretary's office.²

[486]¹ *Pa. Arch.*, first ser., VII. 657.

² Reed's letter has not been found.

³ A letter from Timothy Pickering to Reed the same day (*ibid.*, p. 656) relates to impressment of seamen on the *General Greene*. For a complaint against Captain Harding of the *Confederacy* for impressment of seamen, see *ibid.*, pp. 671-672, and the *Journals*, Oct. 23.

[487]¹ Library of Congress, President's Letter-Book, p. 176; *Pa. Arch.*, first ser., VII. 662.

² This letter was written in compliance with the action of Congress, Aug. 2, taken in consequence of memorials from Gérard July 26 and 28 relative to the inter-

488. WILLIAM WHIPPLE TO RICHARD HENRY LEE.¹

PHILADELPHIA, 23d August, 1779.

My dear Sir,

It gives me pleasure to find, by your favour of the 8th instant,² that you have got the better of your indisposition, and I hope shortly to have the additional satisfaction of being informed that your health is perfectly restored.

The *Confederacy* is still waiting for her freight;³ I fancy a late arrival⁴ at Boston will hasten her departure. A long political letter has been received from Mr. Adams, in which he gives a high character of his companion in France. I hope this gentleman will receive such impressions in the country where he first landed, as will sufficiently guard him against the pernicious air of Philadelphia. From the character given of him, there is no room to apprehend much danger of his being drawn into party, by the insidious arts of base, designing men, but still it may not be amiss to fortify him against any such attempts.⁵ The arrival of Mr. Adams may make a change in some political plans; I wish he would come this way, but I do not understand he has any such intention. The reading of Doctor Lee's vindication, etc., afforded me high entertainment; envy, malice, and every vindictive passion that disappointed malevolence could inspire, appeared on various countenances around the room. Fiddle head shook, swivel eye nestled and turned pale, the chair changed colour at every sentence, some others forced a sneer, endeavouring to conceal their chagrin and confusion; this, you may well suppose, afforded me no small degree of enjoyment.⁶ The Base-Viol has tarried a fortnight beyond the

ference by a committee in Philadelphia with purchases of flour by the French agent and consul general, Holker, and Robert Morris. See nos. 445, 447, 455, *ante*, and the *Journals*, July 3, 15, 28, 30, Aug. 2, 4, 5, 9, 10. Concerning the powers of consuls, etc., see *ibid.*, June 7, 23, Aug. 26. The principal documents in the case are in Wharton, *Rev. Dipl. Corr.*, III. 258-262, 264-267, 268-269, 270-273, 286; cf. *ibid.*, p. 237. See also *Pa. Arch.*, first ser., VII. 557, 558, 560, 579, 580, 595, 599-603, 604, 628, 631, 633, 639, 641, 653-655; *Pa. Col. Recs.* XII. 46, 47, 54, 56, 59, 60, 66, 68, 71, 80. Extracts from several documents relating to this affair are in Henkels, *Catalogue*, no. 1183, items 47, 48, 75, 76, 83, 84, 393, 408, 409.

[488]¹ R. H. Lee, *Life of Richard Henry Lee*, II. 111. Addressed to him at Chantilly, Northern Neck, Virginia.

² Lee's letter of Aug. 8 is in *Letters* (ed. Ballagh), II. 106.

³ As early as June 25 the *Confederacy* was "designed for a particular service" and ordered to Chester. July 2 the vessel was ordered on a cruise of ten days, on Aug. 24 it was again ordered on a cruise until Sept. 5, and Sept. 3 was ordered back to Chester, "where we expect you will remain but a few days". Sept. 17 definite instructions were given to the commander (Seth Harding) to convey Gérard to France. Oct. 17 Harding was instructed to convey Jay and his suite also (*Out-Letters of the Marine Committee*, II. 91, 92, 101, 103, 109, 112, 122). See nos. 535, 546, 558, 572, 595, 606, 609, *post*. Alluding to Whipple's remark, Lee said in reply, Sept. 4 (*Letters*, II. 144), "I believe the *Confederacies* freight will be a very guilty one, and the Sooner we are quit of it the better".

⁴ Luzerne, the French minister. See nos. 471 (note 5), 478, *ante*, and nos. 489, 492, *post*.

⁵ That is, that he may not play into the hands of the faction opposed to Arthur Lee, as the friends of the latter maintained that Gérard had done.

⁶ Lee, with Lovell's letter of July 17 (no. 420, *ante*) in mind, had asked, "Did you not enjoy some Phiz's when Dr. Lee's vindication and vouchers were read?" "Fiddle head" is one of the numerous aliases of Meriwether Smith as "Base-Viol", below, was another (see no. 343, *ante*, and nos. 535, 557, *post*). "Swivel eye" was pretty certainly one of the New York delegates, and Whipple's use of the appellation in another letter (see no. 633, note 2, *post*) seems to point to Duane; "the chair" was of course John Jay.

time he some time ago set for his departure; he has met with something of late, that has lowered him exceedingly, but what it is, I know not, perhaps it may be the oath you mention.⁷ What can become of Ford;⁸ it is now ten days since a fellow passenger of his passed through this city, who informed, that Ford had despatches for Congress, but nothing further has been heard of him. It is hinted, by some, that he will not be permitted to pass this way, but those are not remarkable for their friendship for his late employer. I shall not be under the least concern for the fishery, if a proper person can be agreed on to negotiate the business; but that still remains a matter of uncertainty. The resignation of Doctor Lee, at this time, would certainly be injurious; though, I hope, when he has completed the business that I now expect he is engaged in, he will ask leave to come to America; but, in my opinion, it will be best not to resign; the thought of his coming to this country, would make some of the villains tremble, but, if he resigns, it will be said he has no intention of coming here, and many injurious stories will be circulated, that may make an impression that may give him, or his friends, some trouble to remove. The few select friends, whom you honoured with your confidence, have considered the subject submitted to them; their opinions will be given you by Mr. L——e, or Mr. L——l, who, no doubt, will write you fully on the subject.⁹

It is uncertain when I shall take my leave of this place, but I believe it will be October first. Whenever that happens, or wherever I may be, to hear of your happiness will always be a great addition to mine.

I am, my dear sir, with the highest esteem, and most sincere affection,

Yours,

WILLIAM WHIPPLE.

489. WILLIAM WHIPPLE TO JOSIAH BARTLETT.¹

PHILADELPHIA 24th Augt. 1779

My Dear Sir

When I last addressed you I intended to have given you a very long letter by this post, but being prevented by various incidents till post day arrives and now have but little time to acknowledge the receipt of Your favor of the 4th inst which came to hand Yesterday. Some of the Publications I must confess give me great pain these are among the multitude of Evils America has to combat, these things will undoubtedly give a handle to our enemies and perhaps be a means of protracting the war, they serve to show that we have still conceal'd enmities among us, if we never had had any such the war wo'd have been at an end long ago, however I comfort myself with hopes that the present evils tend to future

⁷ The allusion is to an expression in Lee's letter: "Fancy the 'Ugly instrument' is considerably hurt by the dressing lately given by our assembly—The oath anti-commercial ordered to be taken." The "ugly instrument" was Meriwether Smith. See no. 369A, *ante*.

⁸ Hezekiah Ford. See no. 478, note 2, *ante*.

⁹ The names in this last sentence are doubtless Laurens and Lovell. The question submitted to his friends was probably whether Arthur Lee's resignation should be submitted to Congress. See his reply to Whipple Sept. 4, *Letters* (ed. Ballagh), II. 144. [489]¹ Dartmouth College Lib., Bartlett Corr., vol. II.

good; the more difficulty we are at in obtaining the jewel the higher value we shall set on it consequently shall be more careful to preserve it. as to the effect these things have on our present ally you may be assured she has too high a sence of our Friendship to suffer such matters to produce the least abatement in her exertions to support our cause. The arrival of the new Minister may be productive of great good it may be improper to enter fully into the Character of his predecessor at present.² The acco'ts from Europe are highly Flattering England has not the least prospect of any powerful aid to support her in the war on the other hand there is the highest probabil[it]y that Spain has commenced Hostilities against her. after the arrival of the new Minister here I shall be able to give you a particular acco't of things which I shall endeavour to do in the fullest manner. in the meantime I beg You will Comfort yourself with a full perswasion that everything respecting America is in the most promising scituation, except finance and I am far from being hopeless that, that will shortly be on a better footing. I must refer you to the papers for news where you will find some pleasing paragraphs, and some perhaps that might be as well left out.

I am Yours my Dear Sir with sincere affection

WM. WHIPPLE

[P. S.] If I ever suffer'd myself to anticipate evil I sho'd tremble for Penobscot.³

490. GOUVENEUR MORRIS TO ROBERT R. LIVINGSTON.¹

PHILA: 24th Aug: 1779.

Dear Livingston,

. . . . Some persons have of late busied themselves to [stigmatize?]² Arthur Lee the success of which will I imagine be counter to the attacks on Morris and equally disappoint the projectors. . . .

491. HENRY MARCHANT TO HORATIO GATES.¹

PHILADELPHIA Aug. 24th 1779

Dear Sir,

I was much obliged by your kind and polite Favour of the 2d Instant. Ever since Glovers Brigade was recalled from your Post, I have been full of Concern for you. I wrote the Govr. what I had done in Congress upon that Occasion, but as I could not get a Com^{ee} of which I was one, to report any other Mode of releiving you than by again calling upon the neighbouring States, I thought such a Report altogether ineffectual, and so your Post must still be committed to Our own internal Exertions, as has been for most of the Time the Case.²

² See no. 488, *ante*.

³ The Penobscot expedition had already failed. See no. 478, note 7, *ante*.

[490]¹ N. Y. Pub. Lib., Bancroft Coll., Livingston Papers, II. 193 (copy of part).

² The text here is destroyed by the seal. The word "stigmatize" is used by Lovell in his letter of Aug. 17 to Richard Henry Lee, but Morris may not have characterized the purposes of the anti-Lee faction by that precise term.

[491]¹ N. Y. Hist. Soc., Gates Papers, XV. 333.

² See nos. 410, 462, 475, *ante*.

492. ELBRIDGE GERRY TO JOHN ADAMS.¹

PHILADELPHIA, August 24. 1779.

My dear Friend,

I have only Time by this Days post to express the pleasure I feel on the News of your safe Arrival to your Family and Friends, and the prospect of an agreeable and early Interview with you. the Letters to me which you mention in your's to Mr. Lovell never came to Hand, or I should certainly have acknowledged the Receipt of them; altho I have been under the Necessity of giving up my most agreeable Correspondents. I am much informed by your sensible Letter to Congress,² which has been justly admired as an accurate History of the Relations, Inclinations, Interests and Dependencies, of the several Powers of Europe; and I fully agree with you in your private History of *Men* and *Things*. many of our Friends, by a Discovery of their personal Attachments and other impolitic Measures, must now be sensible that they have in a great Measure defeated their honorable Intentions of supporting patriotism and Integrity, and developing Conduct which from present Appearances, is disgraceful to our Country and the Cause in which we are engaged: but not approving their policy, I presume that I must not expect their Confidence. your Letter relative to Expenses is referred to the Board of Treasury, and will be answered by the next post. pray make my Compliments to Mrs. Adams, and inform me what she will say, if I should again think it my Duty to promote your Appointment to an Embassy in Europe; she cannot justly impute it to the Want of tender Feelings, which married Ladies will rarely allow to Batchelors, when she is truly informed of my Impatience to join your sacred order. however I shall never wish to see any of my Friends in important Offices under Congress untill they have adopted a Resolution that no person shall be appointed to any office of profit of the united States, during the Time of or within twelve Months after his being a Member of Congress.³ I remain Sir in Haste with the sincerest Esteem your Friend and very hum. sert

E. GERRY.

493. SAMUEL HOLTEN TO THE PRESIDENT OF THE MASSACHUSETTS COUNCIL (JEREMIAH POWELL).¹

PHILADELPHIA Augt. 24th 1779.

Sir,

I have the honor of inclosing a number of acts, lately passed by the general assembly of the state of New Jersey, and by what is wrote on the outside leaf you will perceive, that they were to be communicated, by direction, thro' the hands of their delegates in congress, and that they are desirous of a "communication in kind from the state of Massa. Bay", if

[492]¹ Adams MSS.² Two letters of Adams, Aug. 3 and 4, were read in Congress Aug. 20. It is the latter that is here referred to, while the first is mentioned further on. The letters are in Wharton, *Rev. Dipl. Corr.*, III. 276, 278.³ For attempts to promote such a measure, see no. 543, *post*.[493]¹ Mass. Arch., CCI. 247.

the proposal should be agreeable to the hon'ble board; they will be pleased to give the necessary directions to the sec'y; and if it should be thought most adviseable, that they should be conveyed thro' the hands of your delegates in congress, they will be properly noticed, and delivered accordingly.²

I have the pleasure of congratulating the hon'ble board, on the success of our troops under the immediate command of Major Lee; I have not the particulars before me, but have no doubt, they will reach you before this.

We are anxiously concerned here, for our fleet and army at penobscot. The honorable Mr. Partridge arrived (safe) here, on thursday last.

494. NATHANIEL PEABODY TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADA. 24th of Aug. 1779.

Hon'd and Dear Sir

. . . . We have nothing new here but what you will have in the papers herewith inclosed. Some important matters still remaining undetermined prevents my writing advantageously upon those Subjects. Shall as duty may direct, communicate to you every important matter that may come to my knowledge.

I am apprehensive many and great advantages would be derived from a frequent Correspondance between the Authority of the Respective States, and their Delegates in Congress, and which, by their practice, appears to be the Sentiments of almost every State in the Union except New Hampshire. Frequent information of the Circumstances and Transactions of our Constituents even in matters which at first view might be thought of little importance, would serve many valuable purposes.²

495. JOHN JAY TO THE GOVERNOR OF NEW YORK (GEORGE CLINTON).¹

PHILADELPHIA, August 27, 1779.

Dear Sir:

If New York and New Hampshire, by acts of their respective Legislatures, will authorize Congress to settle the line between them, and if New York will further, by act of their Legislature, empower Congress to adjust the disputes with the people of the Grants on equitable and liberal principles, I am well persuaded it will conduce to the interest and happiness of the State. The apprehension of interfering with your police, on the one hand, and the apparent equity as well as policy of hearing the revolters before a decision against them, on the other, are obstacles which at present embarrass Congress.²

Mr. Duane was of opinion before he left us that we should forbear further proceedings on the subject in Congress till the sense of our Legis-

² Similar letters were written about this time by other delegates. See, for instance, the letter of the Rhode Island delegates, Sept. 7, in Staples, *R. I. in Cont. Cong.*, p. 251.

[494]¹ Mass. Hist. Soc., C 81 A 116; Library of Congress, Force Trans., Weare, p. 115.

² The remainder of the letter is a further discussion of the same subject.

[495]¹ *Correspondence of Jay* (ed. Johnston), I. 214; *Clinton Papers*, V. 117.

² Cf. nos. 453, 465, *ante*, and nos. 506, 544, 545, *post*.

lature should be known. I hope it will be one of their first objects, and that they will not be too nice and critical in their reservations and restrictions. The jurisdiction is the great point; it is of no great consequence to the State, who possess and cultivate the soil, especially as we have vacant lands enough to do justice to individuals who may suffer by a decision against them.

There are many other matters about which I should write to you were it necessary; as Mr. Morris and Mr. Duane will be with you, you will obtain more particular information from them than from my letters.³

I wish the Legislature would make it a standing rule to direct the attendance of some of their delegates at every session and enter into free conference with them on the great affairs of the Continent. Many advantages, not necessary to enumerate, would result from such a measure. In times like the present it would be imprudent to trust some things to letters which at best cannot be so satisfactory as personal interviews.

Several circumstances which have come to my knowledge lead me to suspect that pains have been taken to injure Mr. Morris in the opinion of his constituents.⁴ Justice to him, as well as regard to truth, obliges me to say that he deserves well of New York, and America in general. It has been the uniform policy of some, from the beginning of the contest, to depreciate every man of worth and abilities who refused to draw in their harness. Pennsylvania suffers severely from it at this day; many of their former faithful servants have been dismissed, and others called to office who rather receive importance from, than give weight to, the places they fill. The moment any State ceases to be ably as well as honestly represented in Congress it becomes a cypher, and its vote will no longer be directed by the interest and sentiments of the State and Union, but by the art and management of designing and plausible politicians.

I think it my duty also, upon this occasion, to assure you that Mr. Duane's industry and attention to business, and his invariable attachment to the welfare of those who sent him, deserve their commendation. Colonel Floyd's conduct while here gained him much respect; he moved on steady, uniform principles, and appeared always to judge for himself, which, in my opinion, is one very essential qualification in a delegate, and absolutely necessary to prevent his being a mere tool.

I have prevailed upon myself to make these representations, because I think them just and because I cannot suppose they will be ascribed to improper motives by any — by you I know they will not. Popularity is not among the number of my objects; a seat in Congress I do not desire, and as ambition has in no instance drawn me into public life, I am sure it will never influence me to continue in it. Were I to consult my interest I should settle here and make a fortune; were I guided by inclination I

³ Jay had written to Clinton Aug. 18 (*Clinton Papers*, V. 198): "Mr. Duane, who set out from [for] home last Monday, will give you much interesting Information. Mr. Morris will also be with you soon. . . . Mr. Morris will explain to you very fully the steps which in our opinion are necessary to be pursued respecting the Grants. I, therefore, forbear saying anything on that Subject now."

⁴ *Cf.* no. 521, *post*.

should now be attending to a family who, independent of other misfortunes, have suffered severely in the present contest.

It is of great importance that your delegation here do not remain long in its present situation. Whatever men you may think proper to send, let me again and again press you to send able ones. The reputation of the State is exceeding high, and it would be mortifying to see it diminish.

Permit me also to suggest to you the propriety of adopting the plan by which Massachusetts provides for the maintenance of their delegates. They have a house, and keep a table at the expense of the State, besides which an allowance is made them for the maintenance of their families, who ought not to suffer by the loss of that time which is devoted to public service. Your delegates, on the contrary, are not allowed sufficient to maintain, or rather to subsist, themselves. I have heard of two or three gentlemen proposed in your State for delegates — the Chancellor, General Schuyler, and General Scott. There is another, of whom I have heard no mention, Mr. Hobart, who, if he could be spared, would I think, be a good member; during the winter he might remain here without great inconvenience to you.³

496. JAMES LOVELL TO RICHARD HENRY LEE.¹

Aug. 28th 1779

Dear Sir:

Very ill, probably with a settled fever, I must be short. Mr. Bennit on the 27th delivered to me all the Papers you specified.² I send you what letters I have by me that I think you want. If you find them unnecessary you may spare the duplicates.

You have a copy [of] Arthur's Letter of Feb. 10th to the President with all the Vouchers;³ So that much trouble will be saved.

By your sending me *Feb. 25th to the Chairm'n of the Com'tee etc* without cutting off the last leaf I imagine you meant to have it presented in that form, I *had* thought otherwise, on seeing that you was to do as you pleased; and I had struck out the word *motley* as it admitted of two references, when your Brother intended one only.⁴

¹ Jay's appointment as delegate was limited to "thirty days after the next meeting of the legislature" (see his credentials in the *Journals*, March 1). By resolution of the assembly Aug. 25 his appointment was continued to Oct. 15 (see *Clinton Papers*, V. 261). See, further, nos. 565, 566, 587, *post*.

[496]¹ Univ. Va. Lib., Lee Papers.

² The papers referred to were despatches for Congress brought by Hezekiah Ford to Richard Henry Lee, and by him transmitted (Aug. 13) to the committee of foreign affairs by the hand of William Bennet. See *Letters of Richard Henry Lee*, II. 112, 116, 117. Concerning Bennet, see *Life of Lee*, II. 229-231. Cf. nos. 501, 502, *post*.

³ See the *Journals*, July 16; also Wharton, *Rev. Dipl. Corr.*, III. 65. Cf. nos. 415, 420, 421, *ante*.

⁴ Arthur Lee's letter of Feb. 25 is in Wharton, *Rev. Dipl. Corr.*, III. 63. Speaking of Deane's accounts, Arthur Lee says: "There were no books of accounts—nothing but a confused mass of motley refuse papers, without order, reference or effect." Lovell's alteration, although slight, of the text of Arthur Lee's letter, is on a par with his suppression of letters until it suited his own plans to bring them forward. Cf. nos. 450, 458, 478, *ante*, and nos. 533, 535, 536, 553, 562, 599, *post*.

There are remarks upon the Correspondence between the Doctr. and He relative to Papers.⁵ I do not know but they are also to yr. Discretion but as they have appeared in the Congress Room I shall let them be read, so that I may probably add the last Sheet above hinted at, when there shall be Time, but a special order this day prevented.⁶

A Letter of Apr 27 to the Chairman in answer to the 2d Paper of Deanes sent by the Marq's is recd. and has been offered. There is but little new I send you an *extract* prepared on purpose for you. I wish I may come at the double of it, as it would do better to lend to such men as J. B. Smith than the more lengthy performance. . . .⁷

My Pen, I can hold no longer.

affectionately
J L.

[P. S.] I have pd. the Bearer in full 879 $\frac{1}{3}$ dollrs. It was yr. Brothers intent that a Post Conveyance shd. be used. We shd. have had them sooner, without Expense. The Post I esteem safe *now*.

497. SAMUEL HOLTEN, DIARY.¹

[August 29, 1779.]

29. *Sabbath day*. I attended public worship at Dr. Duffield's. He preached from Matthew, "And cast ye the unprofitable servant into outer darkness, there shall be weeping and gnashing of teeth", and his discourse was very agreeable.

498. JOHN FELL, DIARY.¹

*Monday August the 30th.*² Congress the day chiefly spent in debates about, and reading A Lees and Wm. Lees Letters from France

Tuesday, August the 31st, 1779. Commercial Committee Congress. This day spent in a disagreeable complaint of Mr. Lawrence against Secretary Thompson others Join'd at last a Committee was appointed to hear the parties³ P. M. Marine Committee

⁵ This was doubtless the unsigned paper read in Congress Sept. 2, to which Lovell refers in his letter to Arthur Lee Sept. 17 (no. 533, *post*). The correspondence with Franklin relative to the papers of the commissioners is in Wharton, *Rev. Dipl. Corr.*, III. 51, 52, 54, 76, 77, 89, 102.

⁶ Cf. nos. 501, 533, *post*.

⁷ Lovell appends here a list of letters from representatives in Europe read between Mar. 4 and Aug. 23. Under Aug. 19 he mentions the reading of William Lee's letter of Sept. 12, 1778, adding that this letter, one of Sept. 20, and one of Oct. 15, 1778, were read Feb. 22. The *Journals* mention letters of Sept. 12 and 21, but not that of Oct. 15, and Wharton does not include any letter dated either Sept. 20 or 21. Lovell then mentions as "on hand" William Lee's letters of Feb. 25 and Mar. 25, Arthur Lee's of Feb. 25, Apr. 26 and 27 (with "Remarks on the following and Letters between A L and B F and Vouchers No. 1, 2, 3, 4, 5, 6"), and "Apr. 23d. A L's Memorial respecting the accounts of Mr. Williams and the history of Doctr. F's Conduct connected with his Patronage of W— in particular". Concerning this memorial of Apr. 23, see Wharton, *Rev. Dipl. Corr.*, III. 131. Concerning the letter of Apr. 27, see *ibid.*, p. 138 n.

[497]¹ *Essex Inst. Hist. Colls.*, LVI. 27.

[498]¹ Library of Congress, Journals and Diaries.

² This is a continuation of the entry under Aug. 17, no. 477, *ante*. The date is not, however, repeated in the original.

³ The committee obtained statements from both Laurens and Thomson (see nos. 504, 510, *post*), but if a report was ever made to Congress upon the matter it is not of record.

499. THE PRESIDENT OF CONGRESS (JOHN JAY) TO THE PRESIDENT OF GEORGIA (WILLIAM GLASCOCK).¹

PHILADELPHIA 31st Aug. 1779.

Sir,

Your favor of the 10th Ulto. has been received and communicated to Congress. By their Acts of the 24th and 30th Inst. you will perceive that they have unanimously resolved to assure you of their determination to give you all possible Support, and have allotted five hundred thousand Dollars for the Immediate Service of Georgia.

Permit me to observe that the transactions of Persons who may undertake to act as spies for us ought to be kept as secret as possible and not unnecessarily exposed to the risque of detection; your Letter upon this Subject was rather too particular.²

500. CORNELIUS HARNETT TO THE GOVERNOR OF NORTH CAROLINA (RICHARD CASWELL).¹

PHILADELPHIA, August 31st, 1779.

D'r Sir:

Since I had the honor of writing to your Excellency a few weeks ago,² great changes have happened in the face of Political Affairs in Europe. The Court of London's refusing the Mediation of Spain brings the latter into an immediate Commencement of Hostilities, which by the latest accounts received, (tho' not officially communicated as yet,) are already begun, and may perhaps be a means of continuing the War some time longer; should the Allies be successful this Campaign, perhaps Britain may be brought to reason, and agree to negotiate the next winter. . . .

The Count De la Luzerne is not yet arrived from Boston. Mr. Gerard remains here until he comes, and then will proceed in a Frigate for France. The Count is represented as a Gentleman of great politeness, and a consummate Politician, connected with many of the first families of France.

. . . .

It is impossible for a person at a distance to conceive the excessive prices every necessary of life is advanced to in this City. Congress seem determined to put a stop to further Emissions of money. I wish they may be able to accomplish this desirable object, and supply their Army; but many are apprehensive of the Consequences that may attend the measure.

We are informed that the N. England Expedition against Penobscot has failed, and that the Enemy has destroyed or taken the little fleet. This misfortune has been long expected; expeditions by Sea are dangerous

[499]¹ Library of Congress, President's Letter-Book, p. 183.

² Glascock relates that one of their spies, who was supposed to be friendly to the Loyalist cause, was invited to take breakfast with General Prevost and there had an opportunity to see two letters which Prevost had written, one to McGillivray in East Florida, the other to "Pariss" (Capt. Richard Pearis?), commander in West Florida, directing them to hold themselves in readiness to join the Creek Indians, etc. Later, in conversation, Prevost indicated his intention of turning the Indians loose upon the northern part of the state.

[500]¹ *N. C. State Recs.*, XIV. 201.² Aug. 11 (*ibid.*, p. 190).

while the Enemy's Fleets continue the command of that Element. I hope this affair is not so bad as represented. Congress have not as yet received the account from authority.³

501. HENRY LAURENS TO RICHARD HENRY LEE.¹

PHILADELPHIA, August 31st, 1779.

My Dear Sir,

Since the date of my last trouble, the 24th instant, I have been honoured with your favours of the 13th and 23d; the former by an express messenger, who assured me he should not return till this day, but I learned last night, at Mr. Lovell's, that he went off suddenly on Sunday.² Yesterday I received at Congress two packets and one small letter directed to you; these, I apprehend, came by the eastern post. At Mr. Lovell's request, I shall send them to him, to be forwarded in a proper manner. I am sorry to find you continue an invalid; but how can it be otherwise, if you also continue to fatigue both body and mind? You must not allow the attempts and designs of wicked men to operate in the very manner they would wish; let us proceed fairly, and softly, and wisely, and truth will drive them out of their entrenchments; they are now closely hemmed in and cannot escape. On Tuesday last, at the reading of a letter from A. Lee, Esq., I moved to commit that letter, together with Mr. Lee's vindication, to a special committee;³ besides the reason of the thing, I grounded my motion on a commitment of a late memoir from Mr. Deane, a copy of which you will receive herewith. You will give this performance a more proper name. The motion was laboriously opposed, and, in C. T.'s ⁴language, after some time spent in debate, ousted by a motion for adjournment. On some day since Tuesday a report from the Treasury was taken up, recommending a warrant to issue for ten thousand dollars to the Hon. S. D, Esq., in full for his expenses from the 4th June, 1778. I opposed the payment of that, or any other sum to Mr. Deane, until he should account for the large sums of public money which have been in his hands. The question was put, shall ten thousand stand? Lost; motion to insert fifteen thousand? Question lost; to insert twelve thousand? Lost; to insert ten thousand five hundred? Carried, even by voices who were against ten thousand, *or any sum*, because they were worried, and had been worried.⁵ This deficiency of

³ William Sharpe wrote to Thomas Burke Aug. 28: "No certain accounts of the surrender of Penobscot; reported that it surrendered on the 5th Instant. . . . Nothing of importance done in Congress since your departure. Have now taken up the subject for stopping further Emissions" (*ibid.*, p. 199).

[501]¹ N. Y. Hist. Soc., *Collections: Deane Papers*, IV. 87; Lee, *Life of R. H. Lee*, II. 234.

² Lee's letter of Aug. 13 is in *Letters* (ed. Ballagh), II. 117; one dated "21st August" (doubtless that to which Laurens refers) is *ibid.*, p. 130. Concerning Bennet, the express messenger, see no. 496, *ante*, and no. 502, *post*.

³ A letter of Arthur Lee, dated May 21, was read in Congress Monday, Aug. 23 (see also the *Journals*, Aug. 30, Sept. 2, 4), but there is no mention at this time of the "Vindication" or of Laurens's motion. The memorial of Deane to which Laurens refers was that of Aug. 16 (read in Congress Aug. 19). See nos. 517, 518, *post*.

⁴ Charles Thomson. It was on this day that Laurens laid in his complaint against Thomson. See no. 498, *ante*, and nos. 504, 510, *post*.

⁵ See the proceedings in the *Journals*, Aug. 26; also nos. 331, 463, *ante*, and nos. 559, 595, *post*.

firmness and perseverance is the source of much irregularity and much evil in public business. The yeas and nays were called for in every stage, and finally upon the resolutions. I reflect with pleasure that I stand uniformly through the whole. A question was asked of the treasury, has Mr. Deane given in an account of his expenses? Artfully replied to, by a gentleman who had formerly given proofs of his abilities in answering interrogations, *not a regular one! not a regular one!* This gentleman⁶ perfectly well knew that Mr. Deane had given in a very minute *one*, amounting to 29,000 dollars, and upwards; he also knew the artifice which had been practised by one of his colleagues at the board, to repossess Mr. Deane of a paper, which he discovered could not be crammed down the throats even of the treasury. I had seen that account, and had been promised a copy of it; but, as I am informed, Mr. Deane, the very next morning, acted a high passion of offence at so shameful a demand, and his zeal for the public good carried him rather beyond the tone of prudence. He ordered that the account should be immediately carried back to the demandant, with a declaration that Congress would allow no such accounts. As Mr. Deane has not judged it proper to return that, or any other, 'tis not to be doubted but that a gentleman of Mr. Deane's candour now regrets his rashness in parting with the original. I received this relation from one of those worthy friends who sincerely wish to see right done, but who will not encounter trouble necessary to accomplish right. I shall endeavour to trace this matter to its source, and possible the whole House will be informed of it. Saturday last a letter from Mr. William Lee, accompanied by his vindication, was brought into Congress, but the "order of the day" laid those papers asleep; yesterday an attempt was made to keep them out of hearing a little longer. I complained heavily of the innovation, and after much debate they were in part read. The House grew thin, and at length, only eight states being present, adjourned. I believe I am wrong. William Lee's papers were read, those from Arthur Lee were not.⁷ My colleague Mr. Drayton had been confined to his bed some three weeks past. When I learned that he was really ill, I could not refrain from visiting him, his permission being previously obtained. When I approached his bed, he clasped my hand, and wept affectingly; after recovering his voice, he signified great satisfaction at seeing me, and particularly requested I would write a state of his case to Mrs. Drayton. The physicians think him dangerously ill; say he may live one or two weeks longer; that if he has strength for the discharge from an abscess in his side, they shall raise him again, but that he will remain an invalid several months.⁸ Upon Mr. Drayton's recovery, or upon the arrival of another colleague, my continuance here partly depends; but I am much inclined to return homeward in the course of the next month. I believe I shall have the honour of waiting on you before the first of October. Finances as they

⁶ The members of the treasury board present on Aug. 26 appear to have been John Armstrong, William Carmichael, Cyrus Griffin, Nathaniel Scudder, and Henry Wynkoop. Carmichael was probably the member alluded to.

⁷ See the *Journals*, Aug. 30, and no. 496, *ante*. Lee's reply to this letter, Sept. 12, is in *Letters* (ed. Ballagh), II. 149. See also his letter of Sept. 19, *ibid.*, II. 150.

⁸ Lee's comment on this is a quotation of the aphorism, "A fever argues better than a Clarke".

were. News from Penobscot very unfavourable, but no particulars. I would compound for the loss of all our ships, provided the soldiers and sailors escape capture. Dunlap's paper of this morning will present Rowland some intelligence.⁹ I beg, sir, you will present my compliments to your brother. I shall have much to say to both you and him when I have the happiness of meeting you; deferring to that time will be the best. Many clouds will in the mean time pass away, and subjects in embryo be matured. I remain with sincere esteem and respect,

Your obliged and faithful humble servant,

HENRY LAURENS.

502. JAMES LOVELL TO RICHARD HENRY LEE.¹

31st August, 1779.

Dear Sir,

Your favour of the twenty-second came yesterday to hand. Mr. Bennet² parted from me on Saturday, *and will probably get home in less time than he came.*

I will attend, all in my power, to the subjects you have written about; but I am verily exceeding sick, confined to my chamber and my bed alternately. I have, in vain, dabbled with rhubarb; I go upon tartar-emetic to day. I was in bed yesterday, when I prepared a scrap for Dunlap's paper. I was unwilling to let a part of a day go over, without some continuance of the vouchers of Deane's infamy. Mr. John Adams on hearing of De Vergennes and Mr. Arthur Lee, has sent me copies of his own correspondence with that minister, on the subject of Deane's publication; in the course of which he gives such testimony from personal knowledge, in regard to Arthur Lee, and his brothers, Richard and Francis, as cannot fail to destroy any evil impression made by Deane's publication; *and which must do honour to the manly, ingenious spirit of the writer. . . .*

503. NATHANIEL PEABODY TO JOSIAH BARTLETT.¹

PHILADA 31 of Augt 1779.

Dear Sir

. . . . I will Collect the most Material Circumstances, so far as I have been made acquainted, relative to the Situation of affairs in Europe, And forward the Same to you in a few days.

The unlucky Penobscot Expedition will have a Tendency to revive the drooping Spirits of our Enemies if the Stories Currently passing here are true! and I Dread least the News that our fleet is totally destroyed will Soon be authenticated:

⁹ A communication from "Rowland" (Richard Henry Lee) appeared in the *Pennsylvania Packet* Aug. 31 (it may be found in *Letters of Richard Henry Lee*, II. 138; also in N. Y. Hist. Soc., *Collections: Deane Papers*, II. 79); and there was also a letter, presumably from Arthur Lee, May 21, touching upon the question of Jay's letter to Gérard Jan. 13. The letter of May 21 was communicated to the *Packet* by Thomas Paine and served to set his pen going once more on that subject. See nos. 172, 180, 221, *ante*.

[502]¹ *Life of Richard Henry Lee*, II. 231.

² See nos. 496, 501, *ante*.

[503]¹ Dartmouth College Lib., Bartlett Corr., vol. II. ("No. 6").

I inclose You Sundry papers wch. will Convey to you most of the intelligence Circulating in this City. my worthy friend and Colleague Mr. Whipple, who has Consented to Tarry here a few months Longer, has recd. information That, he is likely to be relieved by a Nother Member Comming on to take his place, in Consequence of which he is determined to Set off for home imedeately upon the other Gent. Ariving here.²

504. HENRY LAURENS, STATEMENT TO A COMMITTEE OF CONGRESS.¹

Gentlemen ²

My complaint against the Secretary of Congress for disrespectful behavior to a member of that Assembly probably would not have been made on the circumstance of Yesterday, had not his behavior upon that occasion been an unprovoked repetition of insults which the Secretary had at divers preceeding times offered to Delegates of Congress and to myself in particular. I shall confine myself to a few of the many instances which I have experienced in my own Person.

At York Town on the ———³ late in the afternoon the Hon'ble Mr Duer with Mons. Lanuville called upon me as President to enquire what was the result of the deliberations of Congress respecting Mons. Lanuville the preceding Morning. I replied I could not precisely inform them, because the Secretary had not sent me a copy of the Resolution, but that as he lived within a few doors, I would send to him for it, accordingly I sent the Young Man who acted as my Secretary—the following is a very candid recital of what passed on that occasion.

Mr. Custer, go to Mr. Thomson, give my Compliments to him, desire him to send me the Resolution of Congress of this morning respecting Mons. Lanuville.

Mr. Thomson's Answer—It is not yet entered on the Journals.

Go back to Mr. Thomson, give my Compliments and tell him Mr. Duer and Mr. Lanuville are now here, and that Mr. Duer is desirous of seeing it as it is.

Mr. Thomson's Answer—I can't and will not send it—I have it only scrabled on a piece of Paper.

Mr. Duer expressed great surprise at Mr. Thomson's behaviour and at my patience and then retired.

I then sent Mr. Custer with the following message—Go back to Mr. Thomson, give my Compliments to him, tell him I am much obliged, and I must submit to him.

Mr. T's Ans.—Well, tell him I am very glad he must submit.

² See nos. 452, 453, *ante*, and nos. 513, 537, *post*.

[504]¹ S. C. Hist Soc., Laurens Papers, vol. XV. (in Laurens's writing); *Potter's American Monthly*, VI. 172 (there stated to have been printed from the original, then in possession of Joseph J. Mickley; presumably that delivered to the committee).

² Laurens made his complaint Aug. 31, and a committee consisting of Houston, Huntington, and Paca was appointed to inquire into the complaint. See no. 498, *ante*. If the committee ever made a report the *Journals* do not record it.

³ Doubtless May 14, 1778, as the report debated and modified that day appears to be that to which Laurens and Thomson refer. Duer was, however, a member of the committee which made the report (though it was drawn by Laurens) and was present when the report was considered. Cf. vol. III., nos. 265, 266, 267, 284, 285.

Mr. Custer assured me that Mr. Thomson had in every instance above-mentioned expressed himself with great anger and haughtiness.

Mr. Thaxter, one of Mr. Thomson's Clerks who was present at the delivery of the Messages and answers abovementioned related the circumstance to Major Young, and expressed his astonishment at Mr. Thomson's extraordinary behaviour.

When the Hon'ble John Adams was appointed a Commissioner at the Court of Versailles, the Secretary produced to me, as President of Congress, a Commission to sign for that Gentleman. I observed to him that the writing was on a single Piece of Paper, much crowded, blotted and interlined, and that he should consider the Commission was to make its appearance before the Court of Versailles, and probably before the King of France, therefore I requested him to have a more decent and correct Copy made; he replied very abruptly, I can't do it over again. I then in the mildest terms said, Mr. Thomson, I will have it copied over fairly in a good hand, and will sign it and you will have nothing to do but to attest it—he imperiously answered, I won't.⁴

After Congress returned to Philadelphia I had frequent occasions to send my Secretary for attested Copies of Resolves of Congress in order to forward them agreeable to the order of the House. in several instances Mr. Thomson returned me for answer, that he had not the Key of the Office, that it was with one of his Clerks, and he did not know where they lodged—these answers were brought to me by my Secretary Major Young, who avers that in many instances which he never reported to me *⁵ the answers were given abruptly and unmannerly.

To mark these facts as being barely disrespectful, is dealing tenderly with Mr. Thomson, because I must otherwise charge him with having entrusted all the Public Records in the hands of strangers whose very abode he was ignorant of.

Some time in May last I went into the Secretary's Office and intimated to Mr. Thomson that I was desirous of taking out an old Printed Bill of the British House of Commons, commonly called the Fishery Bill, in order to extract a part of it. Mr. Thomson replied, I cannot let any Paper go out of this Office without an order of Congress. I said, Mr. Thomson this is not an Office Paper, 'tis an old Parliamentary Bill of no use to Congress, and besides here's a duplicate of it in the Desk, I will give you a receipt for this, and will return it in half an hour. Mr. Thomson answered, I can't help it, I will not let any Paper go out of the Office without an Order of Congress; a receipt will not do. well Sir, said I, this is very extraordinary, however there is another way of answering my purpose. I then sat down in the Office and copied the clause or Section of the Bill which I wanted, wished Mr. Thomson a good Morning and thanked him for his politeness.

Every Gentleman will admit this to have been a mark of great and unnecessary disrespectfulness—possibly the Committee may affix another

⁴ It is this incident probably to which Lovell alludes in his letter of Oct. 1 to John Adams (no. 572, *post*).

⁵ See Moses Young's statement appended to this document.

epithet, when I inform them that the Secretary has since that time suffered Papers to be taken even out of the secret depository and carried away without the permission of Congress.⁶

I could recite other instances of gross partiality and arbitrary conduct of the Secretary, but if these are not sufficient to convince the Committee that the Secretary has treated a delegate of a State with wanton and unprovoked disrespect, nothing else will be so. The particular complaint made Yesterday, is of Mr. Thomson's affrontive answers when I requested him to let me have only two copies of the *Journals* for my State which I had an immediate use for. His first answer was—I won't. I replied, you won't Mr. Thomson, what language is this? I tell you I want them for my State—to which he again answered, I won't, but added, till I have given every member present one: Mr. Thomson then descended from the Platform; I reached out my hands to take another Copy, he snatched from me and said, you shan't have it. this repeated insult brought instantly to my mind his former conduct and provoked me to say, he was a most impudent fellow, that I had a good mind to kick him; he turned about, doubled his fist and said you dare not, I recollected the time and place and let him pass on. When he had humoured himself he returned with many spare *Journals* in his hands and gave me one, I barely asked him if he might not as well have done this at first.

From the number of Members on the Floor compared with the number of *Journals* he must have known there were enough for each Member present, and each absent Member, and that for my State I had a right to at least three, according to a rule established by himself without any authority that I know of. Admitting I had no right to demand, which cannot justly be admitted, or that I had been too peremptory in the demand which I certainly was not; the Secretary ought to have given decent answers, not insulting and irritating denials.

I consider these affronts of the Secretary though offered to a Delegate, and however Mr. Secretary might have intended them, as abuses of power in Office; and affronts to that Assembly of which I have the honor of being one, and I trust the Committee will view them in the same light, and honor the Body by doing justice to its Members.⁷

HENRY LAURENS.

PHILADELPHIA Wednesday A. M. 1st Sept. 1779

* These instances I am ready to attest when required. I did not mention every one to Mr. Laurens as I thought it would only tend to chagrin him, and saw him disposed to pass Mr. Thomson's rudeness over without resenting it.

MOSES YOUNG.

505. JOHN FELL, DIARY.¹

Wednesday September 1st 1779. Com'l Committee Congress. After some time spent in reading A Lees Letters it was Propos'd and carried

⁶ Touching this point, see Thomson's note, in late October, 1778, wherein he indicates that he had been accustomed to send original letters to the printer (vol. III, p. 457 n.).

⁷ See Thomson's statement in reply, Sept. 6, no. 510, *post*.
[505]¹ Library of Congress, Journals and Diaries.

for Postponing to take up the order on finance, in regard to stoping the Press. after debate the Previous Question was call'd for per Mr. Lawrence and the Yaes and Naes call'd carried again[s]t it. the Motion was that on no acct. more than 200000000 should be Emitted, and that 40 Million of that sum should not be emitted Provided the States would supply it, the Question was divided and agreed to stop the Press ² near 5. oClock.

Thursday Sept. 2d ³ C. Committee Congress. This day chiefly lost in reading the ridiculous Letters of Mr. A Lee.

P M Marine Committee

506. JOHN JAY TO THE GOVERNOR OF NEW YORK (GEORGE CLINTON).¹

PHILADELPHIA, 2 Sept. 1779.

Dear Sir,

My last contained a few hints on the subject of our disputes with the people of the Grants. Congress have agreed to stop the press at two hundred millions or as far short of it, as the State of their other resources will permit. In the course of the debate, I intimated my doubts of their obtaining taxes from New York until Congress shall have decided the claims of Vermont.²

In my opinion the full tax should be assessed and levied, because we shall never be able to raise it with so little difficulty as at present. I would nevertheless detain every shilling of it till justice be done the State, and for this purpose Congress should be immediately authorized by law to do it effectually, unembarrassed by useless and perplexing provisos and reservations.³

507. A COMMITTEE OF CONGRESS TO GEORGE WASHINGTON.¹

PHILADELPHIA 3d Septem. 1779.

Sir,

We have received Your Excellency's favor of the 20th Ult. and return our thanks for its contents, which will afford us much assistance in forming a Report to Congress respecting the Mustering department, but the Papers which accompanied our Letter of the 5th July are also

² See the *Journals*, Sept. 1, 3. Cf. nos. 461, 500, *ante*, and nos. 506, 508, 515, 516, 538, *post*.

³ Samuel Holten's entry for the day is: "The following gentlemen dined with us, viz., The president of Congress, The minister of France, The president of the state, Mr. Laurens, Mr. McKean, Mr. Paca, Mr. Matthews, Don Juan, Colo. Leviston [Livingston?], Mr. Holker, secy to the min'r and Sir James Jay."

[506]¹ Harvard Univ. Lib., Sparks MSS., XII. 88; N. Y. Pub. Lib., Bancroft Coll., America, IV. 119 (copy).

² See no. 495, *ante*, and nos. 514, 544, 545, *post*.

³ See no. 505, note 2, *ante*.

[507]¹ Library of Congress, Letters to Washington, XXXIV. 43.

necessary to our further proceeding, we therefore request you Sir, to order these to be transmitted to us by an early opportunity.

We have the honor to be with very great Esteem and Respect, Sir,

Your Excellency's obedient and humble Servants

signed by desire of the Committee²

HENRY LAURENS.

His Excellency General Washington
West Point.

508. JOHN FELL, DIARY.¹

Friday September 3d 79. Com'l Committee Congress. This day the Question was finally decided almost unanimou[s]ly not to Emit any more Bills then will amount to 200 Million of Dollars.² And a Committee of 5 were appointed to frame a Circular Letter to the Legislatures of the different States, for the Purpose of raising the Supplys per. Taxes and Loans.³

P M Marine Committee

Saturday Sepr. 4 Commercial Committee Congress. Did not attend Congress this day, having been employ'd at the Commercial Committee in exam[in]ing the Books etc. Last night W. H. Drayton Died.

509. SAMUEL HOLTEN, DIARY.¹

[September 4, 1779.]

4. This morning about 1 o'Clock departed this life the Hon. W. H. Drayton, Esqr., a member of Congress from S. Carolina, and his remains was interred this evening and Congress followed as mourners with crape round their arms.

510. CHARLES THOMSON, STATEMENT TO A COMMITTEE OF CONGRESS.¹

Gentlemen,

It gives me the most sensible pain, that anything relating to me should at any time and more especially at the present draw aside your attention from public concerns. However since even one member has thought it

² The committee (Laurens, Spencer, and Scudder) was appointed June 15, on a matter respecting the mustering department, made a report June 25, and was instructed to write to General Washington on the subject. The letter written (July 5) has not been found, but Washington's reply, Aug. 20, discusses in particular the question of abolishing the muster-master's department. To this letter of Sept. 3 Washington replied Sept. 13, and transmitted the papers requested. Nov. 16 Partridge and Langdon were assigned to the committee in the places of Laurens and Spencer, who were absent, and Nov. 29 the committee made a report, drawn by Partridge. Jan. 12, 1780, the report was taken into consideration and the department discontinued.

[508]¹ Library of Congress, Journals and Diaries.

² See no. 505, *ante*.

³ Sept. 8 the duty of preparing the circular letter was assigned to the President. The letter is in the *Journals*, Sept. 13. See no. 523, *post*.

[509]¹ *Essex Inst. Hist. Colls.*, LVI. 27.

[510]¹ *Potter's American Monthly*, VI. 265. (It is there stated that this document, as well as the statement of Laurens, no. 504, *ante*, was printed from the original, then in possession of Joseph J. Mickley.)

necessary that my public conduct and character ought to be examined into and tried, I find some consolation that after a service of five years, two of them under the eye of a gentleman, my present accuser, who it seems has kept a strict watch over me and minuted my failings, he has nothing more criminal to lay to my charge than what is before you.

Of five presidents, under whom, during that period, I have had the honor to serve Congress, I flatter myself I enjoyed the confidence esteem and friendship of four. And I deem it unfortunate that I cannot boast the same of the one who is the present complainant, especially when I recollect, that no gentleman ever came to Congress in whose favour I was more prejudiced and whose friendship I more sincerely desired to cultivate. At his first arrival and during the time Congress continued at Philadelphia in the year 1777 I think I gave him full proofs of this by every mark of respect and attention in my power, not only as a delegate, but as a man I wished to convince of my regard. When by the approach of the enemy Congress were forced to quit Philadelphia and remove to Yorktown, I carried with me the same disposition; And when he was elected to the chair, I called upon him several times to pay my respects; but the alteration I perceived in his conduct towards me and the manner in which he received my visits soon convinced me that they were not welcome and that I must for the future decline them.

To what cause this was to be imputed I was at a loss to guess. To ascribe it to the effects of his new dignity would have been to disparage his understanding. I was sometimes induced to think it might be owing to his having, soon after his election, failed to make an impression on me by his attempts to vilify and lessen in my opinion the character of the late hon'ble Mr. Lynch, of whose understanding virtue and patriotism I entertained the highest opinion and for whom I had had the sincerest friendship and affection; and that he was not more successful in his endeavours to persuade me that Moses, the man of God and deliverer of Israel, was an imposter and that he deceived the Israelites at Mount Sinai by his having had the knowledge of the use of gun powder.² But whatever the cause might be, I confess freely that I was of too proud a spirit to brook indignities and that I scorned to court any man however high in office, by fawning, cringing or servility. I therefore declined any farther attendance. This I presume gave mortal offence.

Soon after, when by a severe attack of the *cholera morbus*, a disorder, to which my constitution is incident, I was prevented from attending Congress, he seized the opportunity, and at the afternoon meeting pronounced a furious invective against me, endeavouring to persuade Congress, that by some act, which he was pleased to construe into disrespectful behaviour to him, I meant to insult the dignity of that body. Of this I was informed the same evening by some members, who did me the honor to call and visit me in my chamber. As I was conscious I had given no just cause, and as I could not then bring myself to think this proceeded from a malicious intention to injure me, I imagined there must be some

² With regard to Laurens's religious views, see Wallace, *Life of Laurens*, pp. 181, 438.

misunderstanding. As soon, therefore, as I recovered strength sufficient to walk, I went to Congress and waited impatiently the whole morning, expecting he would have called upon me for an explanation of my conduct. As he did not condescend to do this, I took an opportunity after the adjournment, at night, to mention my surprize at what I had been informed of and desired him to let me know, in what I had so highly offended as to oblige him to complain of me to Congress. He denied his having made any complaint and asked, who informed me. I told him some members of Congress. He replied, it is a damned lie, they are damned liars that informed. The expressions struck me dumb with surprize. He left the room. Turning about I happened to see one of the gentlemen, who had given me the information. I told him what had passed. We walked out together. The night was dark. As we passed the end of the house conversing on the subject, Mr. Laurens had stopped and hearing our conversation, though we did not see him, he repeated aloud, It is a damned lie. I cannot say which was greatest, my wonder or resentment. However we passed on without making any reply; as I determined not to take any farther step until I had advised with my friends. But in a short time after my resentment was lost in grief and astonishment, when, in the midst of public distress, I saw him at the afternoon sessions so far unmindful of his station and dignity as to rise and debate questions as a delegate, then sit down and as president, hear himself replied to, and at one time in one of such debates so far forget himself as, to answer from the chair an honourable member from North Carolina,³ by singing aloud "Poor little Penny, poor little penny, sing tan-tarra-ra-ra"—and at another time when he was reading a report brought in by an honorable member from Massachusetts bay, which was under debate, to stop, in the middle of a sentence, and exclaim "Solomon gundy! did you ever see such a Solomon gundy" which raised such indignation, that the honorable member left the room, and soon after Congress adjourned.

After this I took no farther notice of what had passed respecting myself; determining to be upon my guard and to give as little cause for complaint as possible. This I found the more necessary, as he continued by a thousand indescribable ways to tease, irritate and provoke me.

During that winter I enjoyed but a very indifferent state of health and had very little assistance in the office, while at the same time, by the critical state of public affairs and occurrences which happened, the business of the office was accumulated to a very great degree, and the sitting twice a day allowed me less time to dispatch it. This gave him many favourable opportunities which he studiously embraced to tease me with messages and sending for papers which he must be convinced it was not in my power to have ready and which he must have known would be sent to him as soon as finished. These messages were generally sent by his coachman when I was at dinner or supper and sometimes when I was going to bed. For it seemed to me, he carefully attended to my hours of

³ John Penn and Laurens were usually in opposite political camps in Congress. See, for instance, vol. III., nos. 74, 133, 462 (note 14), and nos. 19, 48 (note 5), *ante*.

refreshment and rest and chose I should enjoy as little of either as possible. This however I bore patiently without murmur or complaint, and I think without shewing any marks of discontent or uneasiness. Though for months together scarce a day passed without a visit from his coachman at improper times and often with messages and on business, which with all due deference to his better judgment, I thought at the time, might as well have been dispensed with. However I took not the least notice of this nor did I keep minutes of transactions as they occurred. I wished to forget them, that I might preserve a respect for a man so highly honoured by his country. And this would have been the case, had I not, by the present occasion, been forced to this painful recollection which I thought necessary, in order to convince you that his present conduct is only the result of a premeditated and long concocted plan to lessen me in the opinion of Congress.

With regard to the affair of Mr. Lanueville,⁴ I remember the circumstances very particularly. A committee had brought in a report, to which many objections were made in Congress. The debates were warm and interesting so as to occasion the calling for the yeas and nays which was then not usual except on important questions. Congress differed in many respects from their committee, which occasioned many amendments and interlineations and prolonged the session till late in the afternoon. As soon as I got home, which was some time after Congress rose, as I had to stay and take care of the public papers, I sat down to dinner, and immediately after began to enter on the journal the proceedings and resolutions of Congress, when James his coachman "the young man who" as he informs you "acted as his secretary", called with the president's compliments and desire that I would send him the resolutions that had passed respecting the french gentleman. I desired him to give my compliments to the president and inform him that they were not yet ready, that as soon as they were, I would send him an attested copy. With this message he went and returned immediately with the president's compliments and desire that I would send him the journal, as he only wanted to see the resolutions. I desired him to return my compliments to the president and inform him, I had not yet quite finished the entry. Presently he returns with a message which, as far as my memory serves he delivered in these words, "The president desires you will send him the report, he wants to see it as it is" and added "Mr. Duer and the french gentleman are there waiting and want to see it".

The reason of this demand I could not comprehend and the manner of it surprized me.

I replied give my compliments to the president and inform him I cannot send the report; it is so erased (or scratched this term I may have possibly used) and interlined with amendments that it is not proper to be shewn to the gentleman. Presently after he came back and knocked at the door, I went into the entry, where he delivered the following message. "The president gives his compliments, says he's much obliged and must submit." I said it is very well and made him a bow. Then returning into

⁴ See no. 504, note 3, *ante*.

the room repeated by way of exclamation (for I was astonished at the proceeding) that part of the message He must submit!

Mr. Duer immediately after called on me and told me the president was much incensed. I repeated to him the whole transaction and shewed him the report and he expressed himself as perfectly satisfied with the impropriety of sending it.

That Mr. Custer might have delivered as from me the answer set down in the paper of charges, I will not dispute. But surely Mr. Laurens must have known that "I have it only scabbled on a piece of paper" bears no marks of my language.

As to what relates to the commission of the hon'ble John Adams, I cannot, with all my recollection remember a single circumstance. But the answers set down are so strange and to me so improbable, especially that one who, for these five years passed or at least from the 10th of May 1775 has so wholly devoted himself to the business of Congress as to deny himself all relaxation and amusements, scarcely allowing time for refreshment and sleep, who in that time has written so many volumes and reams of paper and who by that close attention and devotion to the service of Congress has impaired his constitution, sacrificed his health and endangered his life, should without good reason refuse to take the trouble of only writing his name: This I say is so improbable, that I cannot admit the charge until it is better supported.⁵

The next charge that I returned for answer "that I had not the key of the office—that it was with one of the clerks and that I did not know where they lodged", though I do not recollect it, I admit in its fullest extent. Because for some time after Congress returned to Philadelphia the office was kept in a room of the hon'ble doct Shippen's house. Mr. B. P. Smith and Mr. Edison attended the office and in the evening one or other of them locked up the room and kept the key and for some time I did not know where they lodged. The mentioning these circumstances which were true, to Mr. Young when frequently sent, as is charged, for attested copies of resolves proves that I was not accustomed to give short answers, and that I was willing to stand excused to the president for not instantly complying with his request, as I was wont to do, when the office was kept in the house where I lived.

That my answers were given "abruptly and unmannerly" I must take leave with all deference to Mr. Young's opinion, to deny. I think I might safely rest it with Mr. Young to testify, whether on all occasions, as well when he was clerk in the secretary's office, as afterward, when secretary to the president of Congress, I did not treat him with politeness and respect. I cannot say that I shewed the same marks of personal attention to Mr. Custer. I treated him with the civility due to Mr. Laurens' servant. I did not ask him to sit down and enter into conversation with him, but dispatched the business on which he came and sent him back with it or with an answer to the message he brought as speedily as possible, which I thought was shewing the greater respect to his master. And even after I understood that he was employed in

⁵ See no. 504, note 4, *ante*.

the office of secretary as well as coachman, steward and butler to the president of Congress and entrusted with their most secret dispatches, I could not readily accommodate myself to the principles of despotic monarchies, where the favour of the prince ensures honor and his pleasures levels all distinctions.

As to the affair of the fishery bill the circumstances as I remember are as follow. That morning being afflicted with a nervous headach, I went into the office before Congress met and was sitting, my head reclined on my hands, when Mr. Laurens came in and asked for the bill. Mr. Bond gave him a bundle of acts and bills. He took out the one he wanted and having written something on a piece of paper delivered it across the Desk to Mr. Bond, then took up the bill which he had taken out of the bundle and was about to withdraw. As there had been just before a charge in the newspapers, that some papers which had been deposited in the office were missing, and an insinuation, that they were removed or secreted for sinister purposes, I had given strict charge to the young gentlemen, the clerks in the office to observe, in delivering out papers, the orders of Congress, which were that no paper should be delivered out, without leave first obtained from Congress and then leaving a receipt for the same. Lest the present might serve as a precedent for the young gentlemen to dispense with the strict line of rule, I rose and went to the desk and finding as I suspected that the paper, which the honorable member had delivered to Mr. Bond was a receipt, I told Mr. Laurens, that was not sufficient: that previous to a members taking a paper out of the office the order of Congress was that leave be obtained of the house and then a receipt given. When he doubted there being such a rule or order of Congress, I called for the journal and pointed it out to him. He then endeavoured to distinguish between that he had taken and an office paper and mentioned that there was a duplicate in the office. But as I could not see the distinction and was not satisfied that there being duplicates would warrant me in dispensing with the rule and delivering out one of them, I told him I could not consent. He then said he would speak to the president and afterward, that he would take the consequences, and walked towards the door. But turned and asked if he might not have a copy, I replied yes, every member has a right to a copy of every paper he pleases to demand, unless there is a special order to the contrary. Afterwards he sat down, made as I suppose an extract, called for his receipt, left the bill and withdrew. I had returned to the table and sat down, being in great pain. When he had got as far as the door, he returned towards me and with a formal bow thanked me for my politeness with a view as I supposed to provoke a reply. However I only returned the bow and kept silence. These are the circumstances as near as I can recollect. Mr. Bond and Mr. Edison were both in the office at the time and may if necessary be examined. What epithet the committee will be pleased to affix to this conduct I must submit to their judgment. As to the information that "since that time I have suffered papers to be taken even out of the secret depository and carried away without the permission of Congress", I can only say that I never refused any member the free

liberty of taking, without permission asked of Congress or receipt given, any paper he asked for down into the Congress room or into the chamber adjoining and there reading or making extracts as he pleased till the adjournment, at which time I expected the paper would be returned. I will also confess that at the adjournment several members have through inadvertence or not attending to the rule carried papers away, for which I have expressed uneasiness and dissatisfaction; but that I have knowingly and designedly violated the rule will rest with him to prove.⁶

As to the late unhappy affair, which constitutes the last charge, I solemnly declare I had not the most distant thought or intention of giving the honorable member or any other the least offence. I had frequently heard Mr. Lovell who has had a principal direction and management in printing the weekly journals and ordering the distribution, for as to myself I never before took any concern in the matter as I did not consider it any part of my business, I say I had frequently heard him mention that there was only one for each member printed upon a fine paper and brought into Congress—that if any members wanted to send copies to their state they might be supplied with others printed on a common paper. I had heard him likewise complain that by some members taking more than one of those brought to Congress others were deprived and by that means their setts were broken and if they had a mind to have them at the end of the year bound into a volumn, they must supply the deficiency with those on common paper which would disfigure the volumn. For this reason when I took up the bundle, as Mr. Lovell was absent, I determined to oblige all and as I imagined offend none by delivering each member one. Accordingly I opened the bundle and as there were several members at the table I distinguished Mr. Laurens by delivering him one first. When he asked for another, I desired him to stay till I had delivered one to each member. When he repeated his demand, he did it in a tone and manner, that I confess gave me offence, and at the instant determined me to pursue the resolution I had first taken. When he persisted and seized the bundle in my left hand and endeavouring to take it by force, I wrenched it from him. But afterward, when he used abusive language and threatened to kick me, I felt my indignation kindled to that degree, that I am glad, I had so far the command of myself as only to put myself in an attitude of defence and say “you dare not”.

I have now lived fifty years, and this is the first time I ever received such an insult.

After I had gone round the room and delivered one to each member present, he came up and asked for another, which I then gave him out of the few that remained. However the event shewed that I was right in my first conjecture that there was not more than one for each member attending; For as I continued to distribute to the members as they came in I found that Mr. McKean had the last and that there was not one left for Mr. Matthews.

⁶ The rule is embodied in the regulation of the secretary's office, Mar. 22, 1777.

Upon the whole, gentlemen, I submit myself to your judgment and am with the sincerest respect, Gentlemen

Your obedient and most humble servt.

CHAS THOMSON ⁷

Monday Sept. 6, 1779

511. JOHN FELL, DIARY.¹

[September 6, 7, 1779.]

Monday *Sept. 6th* Com'l Committee Congress Sundry Letters
Memorials and Petitions

P M Marine Committee

Tuesday Sept. 7th. Com'l Committee Congress. A number of Letters, One from the Duke DiVirgenes advising of his suspicions, of making Peace without his Court. Referred to a Committee of three vizt.²

512. OLIVER ELLSWORTH (?), COMMUNICATION TO THE PUBLIC.¹

[September 7, 1779.]²

To the Unkown Letter Writer in Philadelphia, who lately revealed to the public the situation of their affairs.³

I cannot call you by name, Sir, but I see well enough what you aim at. You mean, if insinuations will do it, to overset the Congress and break up the Union; and perhaps you think you are doing God service too; but you certainly use the devil's means. If we did not know Congress better than we do you, we might perhaps believe what you say of them. If we had not tried them and proved them at home we might believe they are traitors and ass ridden because you say it. In one thing you shewed your wisdom, it [in?] hitting upon a lucky time for your appearance. People are always cross and jealous enough when things go ill, and it was just then a time of great darkness. But you made a wretched mistake in another place; you never tho't that to do your work effectually it was necessary to conceal your malice; nor that saying things which could not be true would blast your whole design.

If you had only told us that Congress were a slow body, and let their business run behind hand no body would have questioned you; for we all know that such a body as Congress is can't move otherwise but slow. There are too many men, too many states represented, of different interests, customs and habits to get along with dispatch. And sometimes they

⁷ An account of this affair, by Herbert Friedenwald, is in *Pa. Mag. of Hist. and Biog.*, XXI. 183. See also Wallace, *Life of Laurens*, p. 316.

[511]¹ Library of Congress, Journals and Diaries.

² Fell failed to set down the names of the members, Houston, Mathews, and Huntington. The letter of the Comte de Vergennes, communicated by Gérard, is in Wharton, *Rev. Dipl. Corr.*, III. 310. Cf. no. 513, *post*.

[512]¹ *Connecticut Courant*, Sept. 7, 1779.

² Although this article as printed bears the date Sept. 1, it is preferably placed here under the date of its publication.

³ The letter or article to which this is a reply was the production signed "O Tempora! O Mores!", of which some account is given under no. 401, *ante*. The article had been reprinted in the *Connecticut Courant* of Aug. 10.

will seem to be forever about a thing before they can get it into such a shape as suits them all; and it may be a small matter too. But this is no new thing under the sun; nor is there any help for it.

If you had also gone further and told us that Congress sometimes grow warm and have high debates, and are zealous on one side and the other; this we could have believed to[o]; for the same happens in all free assemblies under heaven. Freedom of thought and freedom of debate, among men of bold spirits, will sometimes make warm work, and would scare a clown out of his wits.

But that Congress should be ass ridden with a junto is a matter that wants proof. This junto, by your account of it, is as full of wonders as the beast in the Revelations is of horns, and near as powerful. It consists, you say, mostly of New England men; who we know are elected not without regard to their religion as well as their politics: Yet they are here combined to vote alike in all cases, let oath and conscience go where it will, and let the public interest go where it will. They are to take care of themselves and connections, and at all events hang together; and if all this is true they ought all to hang in one haltar; and I should have no objection, Sir, if you crave the jobb to your being hangman. This junto you tell us was formed in the first Congress, five years ago, and has continued and governed Congress to this day; carrying the votes just as they please; and whom they would they set up and whom they would they pull down; and the rest of Congress, the virtuous part, tho' a great majority, have all the while crouched down and born[e] it. And what is more astonishing still, the matter has to this day been left a profound secret. A wonderful work of great wickedness has been carrying on in Congress for five years and yet no mortal ever heard of it; neither from good men within doors nor from bad ones without. Another wonder in the matter is, that this wonderful combination has held its own so long. The members of Congress have been continually changing from the beginning, so that scarcely one of the first set are left behind; yet this junto, ordained to last forever, remains fixed as fate; and are preserved, you inform us, by a sort of *Contrivance*—they so contrive it as to keep in. This is the *ne plus* of the matter, and ends in magick and mystery. I must not however omit to observe, that the effects produced by this junto, are quite as inexplicable as the manner of its existance. To instance only in the case of Mr. Dean, to whom it is said to have been ever unfriendly and wrought against him. If so how can we account for his appointments from Congress one after another till he got to be their minister? This junto being all the while unfriendly and working against him, and all the while governing Congress at pleasure. This with some other difficulties you will note, Sir, to be explained in your next address. But to proceed and

Attend a little to the account you give us of our Commissioners at Paris. These you represent as totally ignorant of what is transacted in France, Spain, or England and that Congress gain no information from them. Do you believe this, Sir, yourself, or expect that any body else should? What have you to say of Dr. Franklin? Has he no discern-

ment? Who discovered and taught us how to manage the lightning and lead it about with a thread? Was not the Doctor received at the Court of France with unusual marks of honor and confidence? Does not Mr. Dean in his narrative, which it seems you had a sight of, celebrate him highly as a politician and philosopher as well as his friend: Yet you would now persuade us that he is perfectly insignificant and a fool! And what, Sir, have you to say of Mr. Adams, whose character as a warm and enterprising patriot, and able statesman, is I trust too well established in both countries to suffer by the attacks of envy. As to Mr. Lee, be his other talents or graces what they may, you know, if you know any thing about him, that it is the soul of that man to be forever prying into secrets and communicating them to his employers, and that he has written letters enough himself to Congress, since he has been in France to have made a volume; and among much other interesting intelligence, has not failed to furnish them seasonably and very particularly from time to time with the secrets of the British cabinet. And I will venture to add had he wrote somewhat less than he has he might have been less obnoxious to men both on that side of the water and on this. And yet, Sir, you would persuade us that since the recal of Mr. Dean [Congress?] have entrusted our foreign affairs to men of little discernment and no information at all.

Not less groundless and malignant is your reproach of Congress upon the subject of a foreign loan. This you insinuate they ought to have obtained, if, according to Mr. Dean's opinion when he returned from France they had immediately sent a proper person after it; but that instead of sending immediately, they have been quarreling among themselves, and not able to this day to agree who shall go after and have the handling of it. Do you not know, Sir, or do you suppose that others do not, that Congress, before Mr. Dean's return, had instructed their commissioners respecting a foreign loan; and that the most likely courts in Europe from whence to obtain it had been sounded upon the subject more than a year ago, and the reason why it was done without success must be obvious to every one who will consider but for a moment that the warlike appearances and preparations in that quarter of the world make a good market for all their money nearer home, and borrowers enough that can give more unquestionable and established security than we as yet can. Nor ought we perhaps to regret the disappointment. We are now reduced to the necessity of taxing ourselves and paying as we go; which though more irksome for the present, may be less so hereafter than a foreign debt and less dangerous to the liberties of the people. Nor are our finances by any means in that distressed and languishing state as that they must fail without foreign support. Since the expedient of taxing copiously has been adopted they have not languished. For three months past the money has sunk none; I appeal to all purchasers and men that handle it. But, Sir, to proceed to your

Fourth and last charge against Congress. Which is that they have neglected the proper means when offered to them for bringing the war to a close. That Spain was disposed to have negotiated with Great

Britain, and obtained a peace for us; could she but have known what our terms were. That Congress was acquainted of this so early as February last, and then and ever since pressed upon to give Spain an answer, but have never yet done it; through which neglect her mediation has been delayed and she kept back and prevented doing anything for us or herself. That Spain has ever applied directly or indirectly to know our terms is false, absolutely so. She and all the world knows that we claim to be independent; and that Great Britain must be brought to acknowledge or cede that claim, before there is a possibility of a treaty between us upon national grounds. She must first yield to us the great point that we are in fact a nation or States independent of her, then and not till then may we go on to treat and settle our extent, appendages, rights of commerce, etc., and draw the lines between us. To pave the way for such a treaty on national grounds—to obtain from Great Britain the great preliminary concession of independence, is all that Spain or France has ever been concerned with, or ever will be. And if Congress has ever been admonished of any thing from Spain, it must have been to be ready and prepared for such a treaty if by her negotiation a door should be open therefor, which has not yet been the case; so that whether Congress have been more or less time in preparing and adjusting matters for such a treaty, there has yet been no door open for making use of them, and of course no delay has happened for want of their more seasonable preparation. That Spain, for want of Congress being ready to enter upon a treaty has been one moment delayed in her negotiations to pave the way for one, is absurd in the supposition, and contrary to fact. The curtain is now dropped, and all the world may see for themselves whether Spain has been prevented negotiating for want of our terms or any thing else. The fact is, the negotiation began ten months ago and has been perseveringly pursued on the part of Spain ever since, until proving to be ineffectual for the ends hoped from it, it has now given place to arguments of greater force. These facts and your insinuations you cannot but see, Sir, are directly opposed to each other. I believe you are confounded; but I will not revile you, and am content in the public's having a fair opportunity to judge of your character and designs.

A FRIEND TO TRUTH AND FAIR PLAY ⁴

HARTFORD, September 1, 1779

⁴ Nehemiah Hubbard, deputy quartermaster-general at Hartford, wrote to Jeremiah Wadsworth Sept. 7 (the day on which the article appeared):

"You will see in the Hartford Paper an Answer to the Letter wrote in Philadelphia to his friend in Baltimore respecting a Junto formed in Congress. . . . You will at once guess this to be a Performance of our friend Shermans, but there you are mistaken, and must guess again. What will be your surprise when I tell you that it was wrote by Mr. Oliver Ellsworth. he writes feelingly and the Coat no doubt fits him, or why should he put it on" (Conn. Hist. Soc., Wadsworth Papers).

Ellsworth had been absent from Congress since Feb. 19 and did not return until Dec. 16, but so far as the earlier matters alluded to by "O Tempora! O Mores!" are concerned the author of this article writes as one having knowledge.

In the *Courant* of Sept. 21 "Q" asks that, since this writer poses as "A Friend to Fair Play", the printer give him a specimen of it by publishing a piece from the *New York Journal*, "Which will throw some light on the affair he seems to be hurt about; he never will persuade the honest part of the community that there is not a

513. NATHANIEL PEABODY TO JOSIAH BARTLETT.¹

PHILAD. Sept 7th 1779.

My Dear Sir

. . . . The Spanish Ambassador left the British Court the 18th of June last and went immediately to France. The British Court have Sent out two Emissaries to Seduce these States from their Alliance with France.² I Should forward a long Copy of Mr. J. A—ms report upon important matters of Public Concernment, made, officially, Since his return.³ but you will Soon have it by Genl. Whipple who Sets off for home in Consequence of Mr. L—d—n's arival here the 3d instant—A Circumstance, to me not a little Extraordinary. Genl. Whipple had been strongly urged, by order of the Supreme authority of the State to Tarry here as long as he Possibly Could—upon which Ocasion I had the hon'r to add my most ardent wishes for his Compliance—And notwithstanding his long absence from his family, and Domestic affairs, be willing to Serve his distressed Country Gratify the Good People of the State—Consented to Tarry till one month after he should advise the State of his design to leave Congress, which intention was made known to the Committee who approved thereof, and Gave the Necessary orders to Mr. L—don, of all which Mr. Whipple was fully advised.⁴

If this New meneover is by order of Authority, I leave you to Judge what impression it must Necessarily make upon the mind of a Genlman of Mr Whipples Sensibility—but if it is in violation of Such orders You will Judge of the Designs of the Violation—and of the Measures Necessary to be taken upon the insult.

Congress have resolved that the Emission of Bills of Credit, of the United [States] at no time Exceed Two hundred Million of Dollars, and that they will Stop as far Short of that Sum as the Exertions of the Several States Shall enable them: A particular account of the Several

junto in Congress, until he can persuade them not to see with their eyes, and hear with their ears . . . but a critical and honest investigation of the matter contained in the letter he *winces* at, will soon begin, and many others necessary to be known to the freemen of the United States, and this State in particular." "Dr. Franklin's knowledge in electricity" he continues, "does not prove him to be acquainted with the politics of the courts of Europe; nor does his leading the lightening with a thread prove he has lead us into any secrets of the British court. Members of Congress know the truth of this matter and some have dared to tell it: One of the N. England delegates being asked why the extract of a letter from Philadelphia printed in Baltimore, (the same now in question), was not answered, replied, because it had too much truth in it."

The piece from the *New York Journal* which he asked to have reprinted was the "Paca-Drayton Information" (see nos. 471, 478, 479, *ante*, and no. 533, *post*). It is printed in the *Courant* as "Signed by Two Members of Congress", but their names are not revealed.

[513]¹ Dartmouth College Lib., Bartlett Corr., vol. II. ("No. 7").

² See Gérard's communication to Congress Sept. 7, mentioned in no. 511, *ante*.

³ See the *Journals*, Aug. 20, Sept. 1. The reference is to Adams's letter of Aug. 4 (*Works*, VII. 99; Wharton, *Rev. Dipl. Corr.*, III. 278). A copy of the letter was transmitted by Peabody Sept. 21, with a note on the back of it: "This Copy of a Letter which was written to C—g—s by the same Mr. J. A. which wrote the Letters, from which I inclosed Some Extracts in my letter of the 7th ulto, to Col. Bartlett, is now humbly Transmitted to the Hon'e M. Weare and J. Bartlett, (to be communicated to Such only as they may Judge Expedient)", etc. Cf. no. 606, *post*.

⁴ See no. 503, *ante*, and no. 537, *post*.

Emissions, is making out, determining the Sum Now in Circulation, which I Shall Transmit you.

N. B. You'l please to keep the Contents of this Letter entirely from the Connection of Mr. W. L——d——n etc. I know I am Safe

514. JOHN FELL, DIARY.¹

Wednesday Sepr. 8th 1779 Com'l Committee Congress. This day spent in Reading dispatches, etc

A Memorial from the State of New York, relating to the disputes with Vermont Refferd to a Committee of 5 vizt. McKean, Paca, Houlton, Huntington and Smith²

Thursday 9th. Commercial Committee Congress. This day I nominated Wm. Denning Esqr. to be appointed a Commissioner for the Board of Treasury.³

P M Marine Committee

515. SAMUEL HUNTINGTON TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA 9th Septem'r 1779.

Sir,

. . . .² Congress have come to a Resolution to stop the Emission of Bills, which they mean to abide by at all Events—as necessity seems to require this Measure, I presume it will be generally approved. I have taken the Liberty to enclose the Resolution for that purpose, tho' not attested.³

Further Measures for supplying the Treasury, I trust will soon be adopted, and Immediately forwarded to the several States.

The aspect of public affairs in Europe at present, are very favorable—there seems great probability, that dire necessity will soon bring Great Britain, in spite of themselves to reasonable terms of peace with us; God grant we may not be disappointed in the Expectation.

516. JESSE ROOT TO JEREMIAH WADSWORTH.¹

PHILADELPHIA Sepr. 9th 1779

Dear Sir

Congress have resolved not to emit on any account whatever more than 200,000000 dollars and Expect to depend on the States to Supply the Treasury by Taxes and loans.²

[514]¹ Library of Congress, Journals and Diaries.

² See the *Journals*, Sept. 8, 17, 20, 22-24, also nos. 495, 506, *ante*, 544, 545, *post*.

³ Denning's name again appears in the list of nominees Oct. 12, but is erased.

[515]¹ Library of Congress, Force Trans., Trumbull, vol. X., pt. I., no. 146.

² Huntington mentions that General Spencer intends leaving in about ten days, hopes that another delegate will come on to supply his place, and expresses a wish that he himself might be relieved as soon as public business will permit, to attend to his private concerns.

³ Cf. nos. 500, 506, 508, *ante*, and nos. 516, 538, *post*.

[516]¹ Conn. Hist. Soc., Jeremiah Wadsworth Papers.

² See no. 515, *ante*. Root used nearly the same language in a letter Sept. 8 to Oliver Ellsworth (Henkels, *Catalogue*, no. 731, item 161, facsimile).

By official accounts from France Spain has taken an active part in the war against England, and its thought in France that England, to avoid the hard necessity of acknowledging the Independance of America will Send Commissioners with power to with draw the Troops from america and attempt a Seperate Treaty, thereby to detach us from the Alliance—they may make a Merit of necessity, being obliged to with draw their Troops to protect their own territories, make it a ground of Treaty with us, but they must, however hard and humiliating to the pride of Britain, they must acknowledge America to be Independant. Your letter to the Committee respecting the prize goods, being purchased for the use of the army is referred to the Marine Committee with orders to detain the whole of the united States part for the use of the Army. . . .

517. WILLIAM CHURCHILL HOUSTON, PROPOSED REPORT ON
DEANE'S MEMORIAL.¹

[September 9, 1779.]

The Committee to whom was referred the Memorial of Silas Deane Esqr. of the 16 Augt. last,² Report,

That they have considered the said Memorial, and are of opinion,

1st. That the Memorialist was directed in the Instructions given him by the Secret Committee to keep an exact and circumstantial Account of all his transactions of every kind from time to time, and that therefore Congress had a right to expect a fuller satisfaction in this particular than can be derived from the Papers and vouchers Mr. Deane has produced, even under the Idea that the Resolution of Congress of the 8th December 1777 was an order immediately to repair to America.

2. That it does not appear from any Vouchers produced by Mr. Deane that a considerable balance is due to him from the United States, but the presumption rather is, that if any balance is due it must be small, and many circumstances make it doubtful whether a balance is not due from Mr. Deane to the Public. That at any rate it would not be adviseable to authorize Mr. Deane to receive any balance in Europe, the final settlement of the said Accounts being to be made at the Treasury of the United States.

3. That Mr. Deane ought to be allowed his reasonable expences for

Months to enable him to repair to Europe for the purpose of collecting and adjusting his said Accounts, agreeably to the Resolution of Congress of the 6th August last.

The Committee therefore submit the following Resolutions

1st. That Mr. Deane be allowed his reasonable expences for the Space of
Months while repairing to Europe and there adjusting his

[517]¹ S. C. Hist. Soc., Laurens Papers, XXVII. (in the writing of Moses Young).

² Deane's Memorial was read in Congress Aug. 19 and referred to a committee consisting of Houston, Laurens, and Meriwether Smith. A copy of the memorial, in the writing of Moses Young, is in the University of Virginia Library, Lee Papers; another copy is in the South Carolina Historical Society, Laurens Papers. It is printed in N. Y. Hist. Soc., *Collections: Deane Papers*, IV. 68. Besides this proposed report of Houston, there is a report proposed by Laurens (no. 518, *post*). The committee brought in a report Sept. 9, but it is not known what that report was; for although consideration of it was set for Monday, Sept. 13, it does not appear ever to have been taken up. See Wharton, *Rev. Dipl. Corr.*, III. 305, 411, and the *Journals*. Aug. 25.

Accounts for final settlement at the Treasury Board of the United States, and returning, to be charged in the state of his said Accounts.

[Endorsed:] Mr. Houston proposed Report on S. Deane's Memorial 16th Augt.

518. HENRY LAURENS, PROPOSED REPORT ON DEANE'S MEMORIAL.¹

[September 9, 1779.]

The Committee to whom was referred the Memorial of Silas Deane Esquire of the 16th August last, beg leave to report,²

That the Memorialist as appears by the Minutes of the Committee of secret Correspondence dated 23rd January 1776, had undertaken a voyage to Martinique for the Public service.

That on the 22nd February 1776 it was agreed by the said Committee that he should proceed immediately for France as an Agent of the Congress to transact such business and negotiate such matters as may be committed to him by Congress or their Committee.

That it was certified by the Committee "To all whom it may concern, that the bearer, meaning the Memorialist, was appointed to go into France there to transact such business Commercial and Political as the said secret Committee, had committed to his care in behalf and by authority of the Congress of the thirteen United Colonies".

That in the sequel of instructions given to the Memorialist by the Secret Committee he was directed to keep a daily Journal of all material transactions in the conduct of his agency.

That your Committee are of opinion the Secret Committee judged it unnecessary to give the Memorialist particular directions to keep fair and exact accounts of all receipts and expenditures of Money on behalf of his Constituents, the keeping and regularly transmitting of such accounts being the indispensable duty of every Agent, whether public or private, and that therefore Congress had a right to expect from the Memorialist upon his arrival at Philadelphia, circumstantial and accurate Accounts of his Contracts, if any, and a regularly stated Account Current of all Receipts and payments of Money for these States; together with Invoices and Bills of Loading for Goods shipped, and receipts or other Satisfactory Vouchers for payments made by him.

That the Memorialist ought to have brought with him from France, and to have laid before Congress a fair Abstract of all Engagements on Account of these States so far as he had proceeded in them, which is the duty and the practice of every faithful Agent acting for Private Persons or Public bodies.

That no good and deciding reasons have occurred to the Committee sufficient to convince them that it was necessary the Memorialist should return to America in the Count d'Estaings Squadron, rather than by a conveyance some what later, after having taken the proper steps to afford Congress the satisfaction they were entitled to as to his transactions and

[518]¹ S. C. Hist. Soc., Laurens Papers, XXVII. (in the writing of Moses Young).

² Cf. Houston's proposed report on the same memorial, no. 517, *ante*.

Accounts, or sufficient to justify the Memorialist in leaving his Accounts and Vouchers in France, not in the hands of the Commissioners, and in such a state as not to be settled without his returning thither.

That the Committee are of opinion the Memorialist ought to have deposited in the hands of the other Commissioners at the Court of Versailles, the originals or copies satisfactorily authenticated, of all his Accounts and transactions as aforesaid, especially as he was duly informed that another Commissioner was appointed to supply his place, whence he could have had no foundation for presuming that he was to return.

That there is no evidence arising from any vouchers produced by the Memorialist that a considerable balance, or indeed any balance at all is due to him from the United States, and that it would be highly improper to give orders for the payment of any such balance in Europe, while the claim is rested on no better foundation.

That the Committee are of opinion the Memorialist ought to be informed Congress have received the vindications of the hon'ble Arthur and William Lee Esquires against certain charges and insinuations respecting their Public conduct published by the Memorialist in the *Pennsylvania Packet* of 5th December 1778; and also of such charges as the said Arthur and William Lee have set up against him.

That the Committie are of opinion if it be consistent to detain the Memorialist, he ought to be detained, and directed to send to France for all Accounts and Vouchers of his transactions, in order to adjust his accounts at the Treasury Board, and to answer the charges set up against him by the said Arthur and William Lee, and that the said Arthur and William Lee should be directed forthwith to attend Congress, as well, for the final adjustment of their own Accounts as for answering to such charges as have been brought against them respectively by the Memorialist, and for supporting their several charges and accusations against him; but if it be not consistent to detain the Memorialist the Committee are of opinion the generosity of Congress cannot be further extended than the following Resolution expresses which they submit.

Resolved That Silas Deane Esquire be allowed his reasonable expences for the space of Months, while repairing to Europe and there adjusting his accounts and collecting his Vouchers for final settlement at the Treasury Board of the United States, and returning; the said expences to be charged in his said Accounts.³

[Endorsed:] Mr. Ls⁴ proposed Report on Mr. Deane's Memorial.

519. SAMUEL HOLTEN, DIARY.¹

[September 9, 10, 1779.]

9. At evening I attended the marine com't.

10. I spent part of the day upon the affairs of Vermont.

³ Cf. nos. 250, 255, 296, 297, 338, 474, *ante*, 559, 595, *post*.

⁴ Laurens first wrote "Houstons", then erased it and wrote "Ls" above.

[519]¹ *Essex Inst. Hist. Colls.*, LVI. 28.

520. JOHN FELL, DIARY.¹

Friday Sept. 10th 1779. Commercial Committee Congress. Sundry Letters etc. Report from the Board of War for the States to Provide Cloathing for their Troops etc. Reports from Mr. Dickinson for a Negotiation with Spain, another by Mr. Huntington.²

P M Marine Committee.

Saturday Sept. 11th Com'l Committee Congress. This whole day taken up in the Proposals for a negotiation with Spain.³

521. HENRY LAURENS, NOTES FOR REMARKS.¹

[September 13[?] 1779.]²

NOTES FOR MY REMARKS IN CONGRESS.

Finances, are the Revenues of a State or Kingdom.

Financiers, are Men who devise ways and means for assessing and collecting revenues.

He is the best financier who points out particular subjects in his State for assessment, from whom the largest Revenues may be drawn with the least expence, and which the people will pay with the least murmuring. for Taxes and murmuring more or less, are inseperable companions.

The duty of Congress is be watchful over the expenditure of the Public Money, to call those Men in whose hands such Money has been entrusted to strict accounts, at stated periods—to make an Estimate year by year of the Public debt and to assign just proportions of the whole debt to be raised by the States respectively in order to discharge the whole annual Amount.

It is the duty of the Several States to finance, agreeably to the custom or local circumstances of each, and to assess and collect by ways and means of their own devising, the proportion of the general debt, which shall have been assigned to each and to remit such proportions into the General Treasury within stated periods.

[520]¹ Library of Congress, Journals and Diaries.

² Dickinson's motion is in the *Journals* under Sept. 9, Huntington's under Sept. 10.

³ Among the Laurens Papers in the South Carolina Historical Society (vol. XXVI.) is an undated memorandum which is probably a motion offered by Laurens at some stage of the discussion of the Spanish question between Sept. 9 and 17. The memorandum is as follows:

"Although the free navigation through the Mississippi be not stated in the ultimatum yet Congress consider it as an object of great moment to the prosperity of the United States and therefore they charge the plenipotentiary to exert all his powers to obtain the freedom of that navigation to the citizens of the United States—and that in no event the right of the United States to that navigation be ceded." See the *Journals*, Sept. 9, 10, 11, 17, Oct. 13. Cf. no. 524, *post*.

[521]¹ Hist. Soc. of Pa., Laurens Papers.

² The allusion at the close of these remarks to Gouverneur Morris indicates quite definitely that the remarks must have been made at a time when Morris was absent, as was the case from Aug. 25 to Oct. 6. A committee on finance, of which Laurens was a member, was appointed Sept. 3 and brought in a report Sept. 13. Laurens probably therefore made his remarks on that day or on one of the succeeding days (Sept. 15, 16, 21, Oct. 2) on which finance was under consideration.

[⁸ Congress have in no Instance acted the Financier, except in the single article of Loan or borrowing Money.

How that branch has been oeconomised both abroad and at home is known only to a few Members of this House, the rest are almost ignorant, our constituents at large are altogether so—when the burthens of Taxes fall heavily upon them, they will open their Eyes and enquire—and then—but here I draw a Veil.

Congress being the most mutable public Body upon Earth is not tangible. Who shall applaud it for the benefits or censure it for the Evils arising from the Manoeuvres and voices of Men whose names are not upon Record, or from the dead preengaged Vote of one, whose voice has established many an important point when he had no right to sit here.* ⁴—and whose detection and consequent cession has nevertheless been much lamented.]

522. JOHN FELL, DIARY.¹

Monday Sepr. 13th. Com'l Committee Congress. A great number of dispatches took up the whole day till 5 oClock. Dined with Governor Livingston at Mr. Jays.

Tuesday Sepr. 14th 1779. Commercial Committee. Congress. Two memorials were read relating to the Lands of Indiana and [Vandalia] Signd by [William] Trent and Geo Morgan.² Mr. Scudder moved for the first Memorial being Committed, after long debate on the Part of Virginia to oppose it, the Question was put and Pas'd in the Affirmative then the Delegates from Virginia made a Motion that Congress had no right to interfere in the affair at all, and had no jurrisdiction nor right to appoint a Committee the Delegates of N Carolina and from So. Carolina made objections to Vote and were joind by the President under a notion that the Lands in Question were intended to be separte States long debates till Adjourn'd³ Did not attend the Marine Committee being unwell

523. THE PRESIDENT OF CONGRESS (JOHN JAY) TO THE SEVERAL STATES.¹

PHILADELPHIA 14th Sepr. 1779.

Sir,

You will receive herewith enclosed Copies of three Acts of Congress, [one] of the 21st August on the Subject of an Embargo, one of the 25th

⁸ From this point to the end the original notes are enclosed in square brackets. The reason for this is not clear, but it is quite possible that Laurens decided to omit remarks of this nature in his speech.

⁴ " * Gouver. Morris " [note in the original]. Cf. no. 495, *ante*. For some allusions to Laurens's attitude toward Morris at this time, see nos. 684, 685, 688, *post*.

[522]¹ Library of Congress, Journals and Diaries.

² The memorial of George Morgan was on behalf of the proprietors of the Indiana tract, that of William Trent in behalf of those of the Vandalia tract. See the *Journals*, Oct. 8, 27, 29, 30, and no. 622, *post*.

³ The *Journals* make no mention of the Virginia motion nor give any intimation of the discussion which followed it; but see the *Journals*, Oct. 8, 29, 30, and nos. 527, 616, 628, 629, 632, 639, *post*.

[523]¹ N. C. Hist. Comm., Caswell Papers (Circular); N. C. State Recs., XIV. 207; *id.* to Massachusetts, Mass. Arch., CCI. 299; *id.* to Maryland, Md. Hist. Soc., Red Book, VIII. 120; *id.* to Connecticut, Conn. Hist. Soc., Jonathan Trumbull Papers; Library of Congress, President's Letter-Book, p. 186 (Circular).

Augt., against the Restrictions on the Inland Trade between the States, and the third of the 10th Inst. for providing cloathing for the troops. The two first should have been, as usual, sent to the States directly after they were passed, but it was the sense of Congress, 'till within a few days, to delay their transmission. Your Excellency will also receive herewith a printed copy of a circular Letter from Congress to their constituents.²

524. CORNELIUS HARNETT TO THE GOVERNOR OF NORTH CAROLINA
(RICHARD CASWELL).¹

PHILADELPHIA, 14th Sept., 1779.

Sir,

. . . Congress seem inclined to send the No. Carolina Brigade on for the defence of the Carolinas and Georgia. The Officers are in a most deplorable situation for want of Clothing, none having been sent on of any consequence for their relief. The Delegates of our State are therefore reduced to the necessity of applying to Congress for a sum of money to purchase necessaries to supply their wants; whether they will be able to attain such supply they are not yet certain. Should the Enemy intend an incursion into the Southern States, your Excellency must know, much better than I can pretend to inform you, how deficient our State is in the Article of Arms, field-pieces, etc. Perhaps an application from the General Assembly at such a crisis to Congress might be successful.

Congress have determined on putting a stop to any further Emissions of paper money, and throw themselves on the Several States for Taxes and loans of money to enable them to carry on the War. A draft of a circular letter is prepared, which, together with the resolutions of Congress, will be transmitted by the President to your Excellency in a few days.² It is believed that the Salvation of the Country depends entirely on the exertions of the several States to supply the Continental Treasury. Spain is at open Hostilities with Britain, and will no doubt soon acknowledge the Independence of these States. No official account of the Court of Madrid's intentions has been as yet received in Congress.

It is supposed Spain has had her eye on the Floridas. I think she has, and from thence am induced to believe she will make some advantageous offers to the United States, provided they will guarantee those provinces to her at the conclusion of the War. This is a matter which may require great deliberation, and the question may turn upon this point, whether it may be more for our advantage to have the Spaniards or the English for our neighbours.³ The Independence of America is, we think, secured by

² The circular is in the *Journals* under Sept. 13. See the Bibliographical Notes in the *Journals*, pp. 1457-1458; also Evans, *Am. Bibl.*, vol. VI., nos. 1658-1661. Cf. no. 508, *ante*, and nos. 524, 532, 589, *post*.

[524]¹ *N. C. State Recs.*, XIV. 205.

² See no. 523, *ante*.

³ The following memorandum, found among the Laurens Papers (vol. XXVI.) in the South Carolina Historical Society, is probably an amendment offered by Laurens about this time (possibly Sept. 17) to one of the propositions concerning the cession of the Floridas:

"That is to say, all the Territory of West Florida as that Country is now bounded and described and all the Territory of East Florida North and West of the River St John

Spain's entering into the War, and nothing remains for us to do but to keep a good army in the field and support the public credit, and this depends solely on the patriotic exertions of the several States; but it is needless for me to dwell on this great subject, as it will be so fully and judiciously discussed in the Circular letter which your Excellency will very soon receive. . . .

525. JAMES LOVELL TO JOHN ADAMS.¹

14 Sept. 1779

Dear Sir

. . . . We have indeed had a Stormy Time; and some Villains, I guess wanted to get hold of the Helm and the main Stays at a critical Moment.

We are going to tell S she may have the Fl[orid]as before she asks, and we shall be too bashful ever to tell her we wish to get at the hundred of thousands of Acres of Virginia *freely in Boats* by that River on whose Banks they lay.²

526. NATHANIEL PEABODY TO THE PRESIDENT OF NEW HAMPSHIRE (MESHECH WEARE).¹

No. 6.

PHILADA. 14th Sept. 1779.

Honor'd and Dear Sir

By yesterdays Post I had the pleasure of Receiving your kind favour of the 31. ulto. . . . Congress are taking every measure in their Power to Appreciate our Currency, Lessen the Public Debt, and prepare for a vigorous opposition to our Enimies, or a happy and Glorious Peace, as the Book of fate shall determine. Mr. Langdon whom you mention in your Letter is *also*, among us. And of Course Mr. Whipple, who is at present unwell will, as soon as able set off for home.²

527. JOHN FELL, DIARY.¹

*Wednesday Sept. 15th 1779*² Commercial Committee Congress After reading the Journals, the Delegates moved for their motion made Yesterday to be Enterd³ which caused a long debate on point of order and I not being well I left Congress.

reserving the determination of the line running from the Mouth of the River St John's due West to Commissioners to be hereafter appointed by the Court of Spain on the one part and the U. S. on the other part

"That all the territory including the Islands North of the River St John's shall be retained as part of the State of Georgia to be guaranteed on the part of Spain to these States." See no. 520, *ante*, and nos. 525, 533, *post*.

[525]¹ Adams MSS., Boston.

² The reference is to proposed negotiations with Spain relative to the Floridas and the navigation of the Mississippi. See the *Journals*, Aug. 5, Sept. 9, 10, 11, 17, Oct. 13. Cf. nos. 520, 524, *ante*, and no. 532, *post*.

[526]¹ Copied from the original, then in possession of Mr. Stan. V. Henkels of Philadelphia (now in N. H. Hist. Soc., Weare Papers, VII. 41).

² See no. 513, *ante*.

[527]¹ Library of Congress, Journals and Diaries.

² Holten's record for this day is merely: "I met the medical committee at evening."

³ Presumably the motion of the Virginia delegates which Fell mentions in his Diary for the 14th (no. 522, *ante*). The *Journals* are altogether silent on the subject.

528. HENRY MARCHANT TO HORATIO GATES.¹

PHILADELPHIA Sept. 16th 1779.

Dear Sir,

. . . . Monsr. Gerard takes Leave of Congress to morrow in a private Audience. We instantly expect the Count De Luzerne.² I hope to find him a Gentleman made by Heaven for his important Mission. Would to God Our Ministers or Com'rs were or had been all—so. . . .

529. JAMES LOVELL TO HORATIO GATES.¹

16 Sept. 1779

Dear Sir

. . . . I have from Mr. J Adams and Arthur Lee such a Character of the New fr: Minister as makes me not care who has the first Interviews with him.² He can and will judge for himself and will especially take care not to ally himself with dirty Schemes of money making which others have been entrapped at least to appear to patronize. . . .

530. JAMES LOVELL TO BENJAMIN FRANKLIN.¹

Private

PHILADA. Sept. 16th 1779

Hon'ble Sir

On the 30th of Augst., I received yr. favr. of June 2d with the ministerial Paper containing Mauduit's Speculations.² And, since that, several Pamphlets wch. came under the Care of Cheval'r dela Luzerne and, I think, under a Superscription in yr. Grandson's handwriting, have reached me. I am sure Hartley is stumbling only over a Mistake about the eventual Alliance.³ It is now in Vigor. It is defunct of Course upon a Peace, except so far as a Guarantee of the Articles of that Peace. and there can be no Sincerity in any pacific Compact of Britain if she is not willing to have it guaranteed to us. He is more mistaken in his Idea of a distinction being

[528]¹ N. Y. Hist. Soc., Gates Papers, XVI.² He was at this moment at Washington's headquarters at West Point (see no. 529, *post*). He arrived in Philadelphia Sept. 21.[529]¹ N. Y. Hist. Soc., Gates Papers, XVI.² Samuel Adams had written to Gates Aug. 22: "The Chevalier de la Luzerne has honored me with several private confidential Conversations, in which I have communicated to him my Sentiments with Freedom and Candor. I have conceived an high opinion of him and of M. Marbois, who is a Member of the Parliament of Meitz. I want him to see you and Governor Trumbull. The Chevalier has not yet determind what Route to take. Should he go thro Springfield I wish to know whether you could furnish him with an Escort to General Washingtons Head Quarters. Your Answer to this speedily will oblige me" (*Writings*, IV. 165). See no. 528, *ante*, and no. 579, *post*.On the day on which Lovell was writing Luzerne was at Washington's headquarters at West Point. The substance of a conference which he had with Washington that day, set down by Alexander Hamilton, who acted as interpreter, is in the Washington Papers. It is printed in *Writings* (ed. Sparks), VI. 540, and Wharton, *Rev. Dipl. Corr.*, III. 318. Luzerne spoke in this conference of conversations he had had in Boston with "several gentlemen of influence, some of them members of Congress".[530]¹ Univ. of Pa., Franklin Papers, III. 23 (on the same sheet with the letter of Aug. 6, 1779).² Franklin's letter of June 2 to Lovell is in Wharton, *Rev. Dipl. Corr.*, III. 199.³ See Franklin's correspondence with Hartley (Wharton, *Rev. Dipl. Corr.*, III. 36, 57, 90, 127-131, 154).

yet in Vigor here, between the Ministry and People of Britain. A short Space of Time will probably produce for his Perusal a solemn Vow and Compact not only of the Delegates in Congress but of the whole Legislatures of the Union, never, *never* to form even a commercial Treaty with Great Britain. It was indeed once held out here, for political Purposes in the days of our Irresolution, that this was not a popular War in England. But it is not now at all necessary to disguise the Certainty that from the Tyrant George down to the Shoe and Soot Boy, there is a proud desire to be yet able to say "*our Colonies*". . . .

531. SAMUEL HOLTEN, DIARY.¹

[September 16, 17, 1779.]

16. Mr. Gerard came to take leave of us, but we were all from home.

17. Mr. Gerard took formal leave of Congress. It is said d'Estant is off the coast.

532. THE PRESIDENT OF CONGRESS (JOHN JAY) TO THE GOVERNOR OF NEW YORK (GEORGE CLINTON).¹

PHILADA: 17th Sept: 1779

Sir,

With my letter of the 14th: Inst, was enclosed a copy of a circular letter from Congress to their Constituents. In that copy there is a mistake in the amount of the ballance of our foreign debt; instead of two it ought to have been four millions of dollars. This Error was yesterday observed and corrected by Congress. The enclosed copy is correct.²

N. B. The same to Govrs: Trumbull, Greene, Powell, and Weare.³533. JAMES LOVELL TO ARTHUR LEE.¹

(private)

PHILADA. Sepr. 17th, 1779

Dear Sir

I have written very frequently to you, but have no Copies of the Emanations of my friendly Attachment to your merits as they have at those Periods appeared on paper. But the Nature and especially the sincerity of them may perhaps be better judged of by seeing what I wrote to your Nonamicals—I find that a Mr. Cummins and a Mr. Smith² have been taken. By the latter I wrote in a private Capacity to all three of the Commissrs but have only a copy of one to Dr. F. and perhaps never sent a

[531]¹ *Essex Inst. Hist. Colls.*, LVI. 28.[532]¹ Library of Congress, President's Letter-Book, p. 186; Arch. of Mass., CCI. 306 (to Massachusetts).² See no. 523, *ante*. The correction has been made in the letter as it appears in the *Journals*.³ That is, the letter was to the states of New York, Connecticut, Rhode Island, Massachusetts, and New Hampshire.[533]¹ Harvard Univ. Lib., Lee MSS., VI. 110.² Samuel Smith. See no. 235, *ante*. Letters from him to Franklin, written from Nantes, Sept. 2 and 23, relative to his capture, are in Am. Phil. Soc., Franklin Papers, XV. 162, 210. "Mr. Cummins" may have been James Cuming, merchant at L'Orient. See Hays, *Calendar of Franklin Papers*, and *cf.* these *Letters*, vol. III., p. 522 n.

copy of that before this day.³ I have ordered the Bearer of this Scrawl to deliver one to you marked 4 *if you are in France*. if not to break the Seal and deliver the inclosed as directed. If it comes into yr. hand, break the Seal and you will find a second Envelope properly directed, to which you may put a *Wafer*. If you do not get that Proof, take *my Word* for it that what little Health I have left unsacrificed by 17 months Imprisonment and 33 months Drudgery here, shall be exerted on every necessary occasion to defend your Name and Character against villainous attacks, the Spirit for which, however, has long ago become despicable.

Your Choice from Salust of a Motto for one of yr. *Friends* came too late almost, for in a few days after my Receipt of it, *quietus* took absolute occupancy of *turbidus inquietus atrox*.⁴ Dont start at the Expression of *my Receipt*; but know that upon reading a Letter for R H L or F L L or J L⁵ I broke every Seal and by the advice of yr. hearty friends Mr. Laurens Genl. Whipple and others, presented the Defences Replications Remarks and their Vouchers, not keeping back *the* last half Sheet wch. contained an *a fortiori*.

A paper unsigned, among Mr. A Lee's Dispatches, read Sepr. 2d.

This was a Course of Observations upon the Correspondence relative to yr. *joint* papers.⁶

The Remarks upon the Employment of W——s⁷ are at hand whenever that Business shall be taken up, as also are Letters between J A. and Ct. V——g——ns.⁸ Mr. A's Testimony in Regard to you and yr. two Brothers is manly as well as just.

No Step is *yet* thought necessary with regard to the Affair of Sergeant and Ingersoll,⁹ or that of evacuating the Post mentioned by you. The moving of the Waters are closely watched.

³ See nos. 344, 345, 346, *ante*.

⁴ Richard Henry Lee wrote to Henry Laurens Sept. 5 (*Letters*, II. 146): "In a letter from Dr. Lee to my brother F. L. L. is the following paragraph 'I expected W. H. D. would take precisely the part he has. His character is too much of the Catilinarian cast, for him to remain long among honorable men. *Turbidus, inquietus, atrox*—he should be always dealt with as one, who, tho your friend to day, may betray you tomorrow. But I am mistaken if his state dont put a mark upon him.' Can anything fit more exactly than 'foul, restless, wicked'? no glove ever fitted his hand better than this character does the Man." Laurens occasionally alluded to Drayton under the appellation "Black Coat", and Lee, in turn, uses it in his letters to Laurens. In a letter to Laurens Aug. 21 (*ibid.*, p. 130) he alludes to Drayton as "Black Heart Black Coat". Lovell's allusion here is to Drayton's death, which had occurred Sept. 4.

⁵ Richard Henry Lee, Francis Lightfoot Lee, and James Lovell. Concerning the "last half sheet", see no. 496, *ante*.

⁶ This document, mentioned in the *Journals*, Sept. 2, as having come "under the same cover with Mr. A. Lee's other letters", has not been found. For the character of it, see no. 496, *ante*.

⁷ Jonathan Williams. Concerning a Memorial of Arthur Lee relative to Williams, see no. 496, *ante*.

⁸ John Adams and Comte de Vergennes. See the correspondence between them relative to Lee and Deane, Feb. 11, 13, 16, in Wharton, *Rev. Dipl. Corr.*, III. 42, 46, 50. Cf. no. 542, *post*.

⁹ The allusion is doubtless to Arthur Lee's suggestion that Sergeant and Ingersoll be employed in doubling suit against Silas Deane. In a letter from Richard Henry Lee to Charles Lee Aug. 31 (*Letters*, II. 142) is the following passage:

"My brother Dr. Lee in his letters to me expresses much friendship for, and a high opinion of Mr. Ingersolls abilities. He has written pressingly to have an Action of Libel immediately commenced against Silas Deane for his publication of December the 5th.

. . . . La Luzern does not Speak English. I shall naturally be led to more Intercourse with him than his Predicessor, from that Circumstance.

You See how S A and I are marked in the Company-*Thing* of Paca and Drayton,¹⁰ doubtless the latter tale bore many of our Honesties from the State House to the Hotel; but I cannot say that I ever discovered a consequent manifestation of Dislike. Those Brow beatings however are never practiced against manly Indifference. Perhaps it would have been better if several of us had not, from an Aversion to even the appearance of Sycophancy, left a Stranger without proper Warnings against that invidious Class. Ford¹¹ has not been here. You know by my Letters of April that he was judged by the State of Virginia to be not fit to be near the Person of an American Commissioner. R H L has been greatly indisposed but is mending now in his Health. I doubt whether you will by this opportunity know any thing decisive of our opinion respecting the 2 Spanish points of negociation; but you may depend on it that we are disposed to do every Thing to cement a triple alliance whenever Spain shall signify her Wishes through you or other regular Channel.

The Floridas are not ours; they belong to our Enemy. A free navigation of the Miss'pi is to be wished for but cannot be claimed if S——— owns both Banks near the Mouth though millions of Acres of Virginia lay also on the Waters of that River higher up.¹²

You have had an abandoned Set at your Elbow to watch over. And you made some here very rancorous at the first of yr. Correspondence. I never cou'd find by the Books at the Com'tee who the two were that you was mistrustful of. The Letter Book is not signed, so as that I can see who were 2d and 5th. It will not do to take them as they stand on the Journals when elected. But if Complaisance put Franklin in the Chair I get Harison and Jay.¹³ You also once said something about Mr. Duane's Servant. An attempt was made to embitter the mind of Govr. Reed who happened to be a member of Congress when the Dictionary came to light.¹⁴ But Mr. Reed says you did your Duty well.

Something in yr. Letters to the Com'tee was in Cyphers. *Merryweather Smith* decyphered it *readily* otherwise I must have sent it on to Virginia

And he desired that Mr. Ingersol might be retained and employed in this suit. The doctor sent his powers to Mr. Lovell Colo. F. Light. Lee and myself. I have written repeatedly to Mr. Lovell desiring that my brothers request might be immediately complied with. I had some money in the hands of old Dr. Shippen, which I proposed should be employed this way. Pray have you heard anything about it, or has the suit been commenced." Cf. no. 535, *post*.

¹⁰ See nos. 471, 478, 479, 512, *ante*.

¹¹ Hezekiah Ford. See nos. 478, 488, *ante*.

¹² Cf. no. 525, *ante*.

¹³ The reference is doubtless to statements in Arthur Lee's letters of Feb. 13 and 14, 1776 (Wharton, *Rev. Dipl. Corr.*, II. 72, 76), wherein he indicates a lack of confidence in the second and last (fifth) members of the committee of secret correspondence, presumably Franklin and Jay. See these *Letters*, vol. I., no. 377.

¹⁴ In June, 1776, Arthur Lee sent to the committee of secret correspondence a dictionary to be used in cipher correspondence, which was delivered to the Secretary of Congress in September, 1778. On a fly-leaf of the dictionary was written a letter which contained the warning, "Beware of Joseph Reed, of Philadelphia". See Wharton, *Rev. Dipl. Corr.*, II. 95; Force, *Am. Arch.*, fourth ser., VI. 685. Cf. these *Letters*, vol. III., no. 467. Concerning the dictionary cipher, see *ibid.*, p. 231 n.

to yr. Brother. I know that R H L thinks that *mode* is *now* as useless as if *Deane* knew it; need I say more? I think it would be clever to have a Cypher in Com'tee, but not to be also used to your Brother or yr. Friend; those should be distinct ones.

534. WILLIAM WHIPPLE TO RICHARD HENRY LEE.¹

PHILADELPHIA, Sept. 18, 1779.

My dear Sir,

When I did myself the honour of writing to you last, it was my intention to tarry here till the latter end of next month, but the arrival of a second colleague has altered my determination; I shall take my leave of this city to-morrow,² but I must confess, I shall not do it with the satisfaction I should, if Virginia, and some other states, that might be mentioned, were represented in the manner I have known them.

It affords me particular satisfaction to find, by your favour of the 4th instant,³ that your health is restored. I hope your influence will make some beneficial changes in the politics of Virginia. I am sure your endeavours will not be wanting, and I am very sure, you are convinced of the necessity of changing men, if not measures. If there is as much virtue and integrity in a certain Assembly, as formerly, there certainly is a languor, a want of resolution, to oppose vice, and stem the torrent of corruption, that at this time, threatens ruin to America; but, I hope, that persevering spirit, which heretofore faced every difficulty, and looked all opposition out of countenance, will again revive and scatter the cloud that now hangs over us. I expect my retirement will afford me a satisfaction, impossible to be enjoyed in Philadelphia; but, however happy my situation may be, it will ever be increased by hearing of the prosperity and happiness of those worthy patriots, who first stepped forward, braved every danger, and combated the greatest difficulties, and by their virtuous struggles, and unremitted exertions, have thus far rescued their country from the hand of tyranny. Some of your friends, particularly Mr. Laurens, and Mr. Lovell, will give you an account how matters are going on here;⁴ these gentlemen, I need not tell you, are real friends to virtue, and, consequently, to those devoted to the cause of virtue. I much approve Dr. Lee's intention, to come to this country, when the Spanish business is concluded. I think it necessary he should have a fair opportunity, of putting to shame, those base assassins, whose malice is wrought up to the highest pitch, by a consciousness of their own inferiority. . . .

Hon. Richard Henry Lee, Esq. at Chantilly,
Northern Neck, Virginia.

[534]¹ R. H. Lee, *Life of Richard Henry Lee*, II. 112.

² He did not, however, take his departure until Sept. 25. See no. 582, *post*.

³ *Letters* (ed. Ballagh), II. 144.

⁴ See nos. 496, 501, 502, *ante*, and nos. 535, 553, 559, 595, 599, *post*.

535. JAMES LOVELL TO ARTHUR LEE.¹

PHILADA. Sept. 21st 1779

Dear Sir,

I recd. nothing from you yesterday. I am in better health than lately. Mr. Gerard is on the point of sailing.² He is at Bristol, to give a *Ton*, I will not say positively a *bon Ton* to the Successor. Decision is over³ respect'g Flor[i]da, and I am told that the greatest Exertion will be made to prevent the Instructions going to A. L., they will be pushed thro Franklin or some *new appointment*.⁴ I have every Thing arranged to elucidate the *new* members and make the *old* sin, if they do sin, with full Conviction before their Eyes. W. H. D. is off the Stage. Jemmy D. and Gov. M. are behind the Scenes; Judge F——l and Wody L——don are on their pillows. But the main Chair is full.⁵ The Farmer the Fidler and the Boatswain are active.⁶ I cannot really tell Events before hand. But I think I shall not want the advice of any Man to make me *present* the Triplicate and *consult* Ingersol and Sergeant⁷ if a Slight is put on my Friend. If things go to my mind; I shall not undertake a troublesome course, of uncertain Issue, and *inferior* triumph if attended with a verdict for the Plaintiff. S. A. was well the 9th. Ellery the 2d. . . .

536. JAMES LOVELL TO SAMUEL ADAMS.¹

Sept. 21st 1779

Dear Sir

. . . . Resolves have passed respect'g the main one of the two Questions asked us in Augst. if not in April 1778 and again in Octr. with Information that A L would not think himself authorized to treat on those Points with Spain without our Special Direction.² But lo! *now*, there is an Intention to send the Answer to A L's Question to Doctr. F or to somebody to be *appointed*. So that the 4 to 4 and 4 divided is probably to be a resumed Question.³ I am prepared to inform *new* Members and to make

[535]¹ Harvard Univ. Lib., Lee MSS., VI. 113.

² See nos. 546, 558, 572, 595, 606, 609, *post*. Cf. no. 488, *ante*.

³ The word "over" appears to be written over the word "made". The alteration was probably due to the use of the word "made" in the next clause.

⁴ Cf. no. 533, *ante*, and no. 536, *post*.

⁵ Which, by interpretation, is to say, William Henry Drayton is dead, James Duane and Gouverneur Morris are absent, John Fell and Woodbury Langdon are sick, but John Jay continues to occupy the President's chair.

⁶ The "Farmer" was John Dickinson; the "Fidler" was Meriwether Smith (see nos. 343, 488, *ante*); the "Boatswain" may have been William Carmichael.

⁷ See no. 533, note 9, *ante*.

[536]¹ N. Y. Pub. Lib., Samuel Adams Papers.

² In a letter of Aug. 31, 1778, Arthur Lee asked for instructions relative to negotiations with Spain on the questions of providing the Spanish navy with masts and the cession of the Floridas (Wharton, *Rev. Dipl. Corr.*, II. 699). See, further, the correspondence between Lee and Gardoqui Aug. 13 to Oct. 6 (*ibid.*, II. 683, 690, 694, 700, 750, 757), also Lee to Vergennes Oct. 12 (*ibid.*, p. 782), Vergennes to Lee Oct. 17 (*ibid.*, p. 799), and Lee to the committee of foreign affairs Oct. 19 (*ibid.*, p. 800). Cf. his letters of Feb. 10 and Apr. 2 (*ibid.*, pp. 491, 536). For the proceedings in Congress relative to negotiations with Spain, see the *Journals*, Sept. 9-11, 17, 28 (instructions). Cf. no. 554, *post*.

³ The allusion is to the divided vote on the recall of Arthur Lee, May 3. See no. 345, *ante*.

the *old* ones sin with Conviction before their Eyes, if they are bent upon sinning.⁴ My opinion is that if De Vergennes wrote on Octr. 19th —78 that he “feared Mr. Lee and those about him”,⁵ yet that he pd. so much Regard to the Testimony given by Mr. J Adams on the 11th of Feby. and will be so desirous of confirming his own Assertion made a few days after “that he had none of the Prejudices endeavored to be excited in America”,⁶ that he will treat A L with Confidence, and even be anxious to repair the Injury connected with former Diffidence by supererogatory Complaisance, in future. If a Slight is to be in this Instance put upon A L I will proceed in two Peices of Business which I have suspended, one of which you mention in yr. Letter,⁷ and the other I have before hinted to you. I hope that the one you mention is not *talked of* in yr. Quarter. For, tho’ I have maintained a Right of Suppression of what is sent thro the Discretion of a private Friend by a public officer, yet I do not want to have a noisy Discussion of the Question.⁸

We are struggling very hard about our money. Gerry will not have a Tooth or Nail left if several whimsical Financiers do not go home soon. He is truly anxious to have something decisive done, and he labors at it Night and Day.

537. NATHANIEL PEABODY TO JOSIAH BARTLETT.¹

PHILADA. Sept 21st 1779.

Dear Sir

Your kind favour of the 4th instant, without Number Came to hand pr. Post. I feel myself exceedingly Chagrinn’d at the News of the unfortunate, disgraceful, affair of the Penobscott expedition, hope Soon to know where the blame ought to be Charged. it Gives the Enemies our E. States ocasion to Speak Evil. Mr. Langdon is here, Somewhat unwell which prevents Mr. Whipple from Setting out, for a few days.² nothing material here Since my Last. Inclosed you will have, the present opinion of Congress respecting finance, So far as it relates to that Subject—the News you will have in the papers. I Should forward Sundry other papers respecting our public affairs, but find my packet will be too large to admit of any further Addition. I need not mention to you the Necessity of defreying our public Expenses by Taxing and Loans, that there be no further demand for future Emissions of money. The efforts of Congress will be Totally insufficient, unless they are aided by the virtuous Exertions of our fellow Citizens.

⁴ Cf. no. 542, *post*.

⁵ See the Paca-Drayton Information in the *Journals*, Apr. 30. The date of Vergennes’ letter to Gérard there given is Oct. 29, 1778. Cf. no. 542, *post*.

⁶ See no. 542, *post*.

⁷ This letter of Adams appears not to be extant. One or possibly both of the two pieces of business may have been the presentation of the letters of John Adams mentioned by Lovell in his letter to him, Sept. 28, no. 557, *post*.

⁸ Cf. nos. 478, 496, 533, 535, *ante*, 553, 562, 599, *post*.

[537]¹ Dartmouth College Lib., Bartlett Corr., vol. II.

² See no. 513, *ante*.

538. JAMES FORBES TO THOMAS SIM LEE.¹

PHILADELPHIA Sept. 21st 1779

Dear Sir,

. . . . Inclosed you have a Circular Letter from Congress to the States, which will fully informe you as to our Emissions etc.² this day Congress goes into a Committe of the whole to consider of ways and means for supplys to carry on the War. at present they have in view a requisition on the States for Taxes and Loans to an amount that I am affraid will not be complyd with I was with a very small Minoriety on the grate question for stoping the Press, not that I thought the measure rong, but that it was nessary first, that the States shoud engage to furnish supplys.³ I shall be very happy to find I was mistaken by the several States furnishing their Quotaes as requested by Congress, which requissian you may expect next week

Your Acco't of the Emigrations from our frontier Counties are very allarming and the measures persuing in Virga. of disposing of their Lands at this critical time I think shoud be put a stop to, but I see no inclination in Congress at this time to take it up.

539. HENRY LAURENS TO JOHN LAURENS.¹

PHILADELPHIA 21st Septem. 1779.

I had the pleasure my Dear Son of writing to you the 17th Inst.

I prospered yesterday in carrying through a Report which I had the honor of presenting to Congress from a Comm'ee appointed to correspond with General Lincoln, [promis]ing Aid to So Carolina by dispatching three frigates or Armed Ships of War and the North Carolina Brigade to Charles Town; there was much opposition to the measure from certain quarters and the Report underwent some alterations which may possibly be made use of to defeat my views, but as the execution [was] Committed to the Marine Board where Mr. Mathewes [is] a Member, I have strenuously recommended the subject to his attention and I confide greatly in his zeal and fortitude. Should we receive certain accounts of a French Fleet operating on your Coast, all that we have here determined to attempt for your relief will instantly be reconsidered and probably vanish.²

Gentlemen aver that the Continental Frigates [work] no advantage to the Port of Boston either in a Commercial and pecuniary view, or as a defence. on the contrary the Prizes which those Frigates carry in, work a prejudice to the Citizens of that Town by encouraging monopolizers and

[538]¹ Hist. Soc. of Pa., Dreer Coll., Members of the Old Congress, II. 19.

² The circular is in the *Journals*, Sept. 13. See nos. 523, 532, *ante*.

³ See the *Journals*, Sept. 1, 3, and no. 505, note 2, *ante*.

[539]¹ S. C. Hist. Soc., John Laurens Papers. Addressed to Colonel John Laurens, South Carolina.

² The committee to correspond with General Lincoln, of which Laurens was chairman, was appointed July 8. To this committee was referred, Sept. 13, a letter of Washington of Sept. 7, and it brought in its report Sept. 20. Sept. 22, on recommendation of the marine committee, the orders of the 20th were modified. See the *Journals* under the dates mentioned, also under Sept. 26, 27, relative to co-operation with D'Estaing. Cf. nos. 540, 559, 560, *post*.

extortioners and by stripping the Port of Seamen who would otherwise be more usefully employed in the service of [the] Merchant Ships and private Ships of War. this doctrine strange as it may appear to Men of no more than common understanding, is proved and illustrated by the extreme reluctance with which Gentlemen representing Massachuset[t]s and Boston consent to part with them only for a few Months in favor of a much distressed Sister State, but when some Men talk of defending So. Carolina and of the necessary measures of recovering Georgia methinks I hear blind Men describing colours, or Misers haranguing on liberality.

Has not So Carolina contributed her quota to the raising of a Navy? Has she not a rightful claim to some of benefits which may be derived from that Navy? Oh! but So Carolina is defended by taking the Enemy's Privateers from New York, and if you send our Frigates to So Carolina the Enemy will soon know it, way lay and capture them. do not the Enemy as well know when those Frigates sail from Boston on a Cruize for Prizes? is it not as practicable for British Men of War from Hallifax, Rhode Island and New York to way lay them coming out of, and returning to, the Bay of Boston, as going to Carolina or cruizing from thence? Did not [they know] of the ill concerted enterprize to Penobscot? Had I prevailed in my repeated recommendations more than twelve Months since, to send three Frigates to Cruize near Charles Town we should probably have added three or four British Frigates to our American Fleet etc.

It has been falsely transmitted to Charles Town that I am too closely connected with the Eastern States.³ you have now proof of the contrary and I glory in the reproach of being with no Man, with no party longer than he or they steers or steer by the Pole Star of reason, Justice, reciprocity. when Men diverge into the Road of Self Interestedness, I walk no further with them

In a word, I fear I have given offence to some of my friends If it is so, I can't help it. I would rather offend my Father than meanly or wittingly transgress against those principles. the offended will upon reflection, perceive their mistakes and without suit forgive me nor will this be a strange Phenomenon in a true account of my Pilgrimage. . . .

540. JOHN MATHEWS TO THOMAS BEE.¹

PHILADELPHIA, Sept. 21, 1779.

To the Hon. Thos. Bee,

Dear Sir,

I inclosed you a few days ago an address of Congress to the several States.² It is a matter of the last importance, and to reconcile it to the minds of men, will require deep reflection. When I left Congress last year a system of Finance was then nearly Completed, and was afterwards finally so. But soon after, those who did not like it, took the opportunity

³ The reference is doubtless to Laurens's attitude on the question of the fisheries. See his notes, nos. 152, 255, 270, 307, 360, *ante*.

[540]¹ Charleston Lib. Soc., Misc. Letters, p. 109.

² The circular of Sept. 13. See nos. 523, 532, *ante*.

of moving a reconsideration of the whole, and succeeded, which set the whole plan afloat again, and before anything effectual could be done upon it,³ Congress were apprised of the mediation of Spain to bring about a peace between Britain, France and America. This necessarily led them into a discussion of points which were proper to be insisted on as the *Ultimata* for peace. This single object, (I may justly say so, for no other business of importance was done) ingrossed the attention of Congress, from the ninth day of February, untill sometime about the beginning of August. To find things in this situation, no less chagrined, than astonished me. Which produced from me some Phillippics not very pleasing, and which I really believe in the end had a good effect. You are doubtless no stranger to the grand obstacle to the completion of this business, to wit, the fisheries. *The New England States* had got some others to join them in a determination to make no peace, unless Britain acknowledged their right to an equal participation of the fish[er]ies on the American coast. This subject was twisted and tortured in all the variety of modes human ingenuity could invent, to gain and to oppose, this important object. I took the opportunity, when this point was warmly agitated, to deliver my sentiments fully and freely on it. I had taken pains to inform myself of the progress and then state of the business, and had well considered the importance and consequence of the claim, and was prepared to decide on it. I was a fresh hand. No man knew my Sentiments and every one listened with avidity to hear on which side I should determine. It was [*manuscript torn*] and grievously distressed country, for reasons too well known to be herein mentioned. Here the matter rested, the question was taken, and finally decided on.⁴ . . .

I refer you to a plan we had formed for your relief, to a letter I wrote Ed. Rutledge a few days ago. It was then before a Committee. we have this day carried it through Congress *in its full extent*, and in about a month you must keep a sharp lookout.⁵

I am D'r Sir with the most sincere esteem

Yr. Obedt. Servt.

JNO. MATHEWS.

541. SAMUEL HOLTEN, DIARY.¹

[September 21-23, 1779.]

21. The Chevalier de la Luzerne, Minister Plen'a from the Court of France arrived here from Boston.

22. I made a short visit to the new minister and welcomed him here. I dined with the President of Congress.

23. Congress spent part of the day upon the affairs of Vermont.

³ Mathews left Congress Nov. 12, 1778; the finance measure was put into final form Jan. 2, 1779, and on Apr. 13 the committee on the treasury reported its opinion "that the present arrangement cannot be carried into practice". See, further, the *Journals*, Apr. 22, 27, and *passim* (index, Finance, and Loans). Cf. no. 183, *ante*. At the time Mathews was writing another financial measure was before Congress. See the *Journals*, Sept. 13, Oct. 2, 6, 7.

⁴ See no. 539, *ante*.

⁵ See the *Journals*, Sept. 20, 22; cf. *ibid.*, Sept. 26, and no. 539, *ante*. See also Mathews to Bee, Jan. 5(?), 1780, in the next volume.

[541]¹ *Essex Inst. Hist. Colls.*, LVI. 28.

542. JAMES LOVELL TO ARTHUR LEE.¹

private.

Sept. 22d 1779

Dear Sir

. . . . I expect in a few hours to be able to show you whether yr. honor is properly regarded here or not. If the Decision in regard to the Floridas and Mississ'i are to be conveyed to Doctr. F or to a third person, your replicatory and defensive Letters have been in vain laid before Men *willfully blind*. But I hope better Things. I have Papers so arranged as to enlighten *new* Members and make the *old* sin against conviction, if they so sin.²

De la Luzerne arrived last Evening in this City.

If De Vergennes did write on the 29th of Octr. "Je crains M. Lee et ses Entours",³ yet after the Testimony of such a man as he says both he and the King think Mr. J Adams, was laid before him on Feb. 11, I judge the minister will prove by his actions what he asserts on the 13th of that month.

Si nous avons pû etre instruits de vos contestations *nous n'y sommes entrés pour rien*. et L'Estime personelle que nous avons cherché a fair remarqué a chacun de Messrs. Les Commisaires fait preuve que *nous n'avons point adopté les prevenctions qu'on semble vouloir inspirer a l'Amerique*, et dont le fondement nous est inconnû ici.⁴

J L.

Hon. Arthur Lee

543. HENRY LAURENS, NOTES.¹

Friday 24th Septm. 1779²

Mr. Mathewes, offered a written Motion That no person being a Member of Congress shall be eligible to any place of trust or emolument under Congress.

Seconded by³

[542]¹ Harvard Univ. Lib., Lee MSS., VI. 114.

² Cf. no. 536, *ante*.

³ See the quotation in the Paca-Drayton Information, *Journals*, Apr. 30. Cf. no. 536, *ante*.

⁴ The quotation is from a letter of Vergennes to John Adams Feb. 13, 1779, in reply to one from Adams Feb. 11 (Wharton, *Rev. Dipl. Corr.*, III. 42, 46). See also John Adams to Samuel Adams Feb. 14, to Vergennes Feb. 16, and to Lovell Feb. 20 (*ibid.*, pp. 47, 50, 52). Cf. no. 536, *ante*, and nos. 553, 557, *post*.

[543]¹ S. C. Hist. Soc., Laurens Papers, XXVII.

² There is no mention of this motion in the *Journals* Sept. 24, but it is recorded under Saturday, Sept. 25, and a copy of the motion in N. Y. Pub. Lib. bears that date. Laurens says, however, in his letter to John Laurens Sept. 27 (no. 552, *post*) that his colleague had labored hard two days to carry his motion. It was probably therefore first offered Sept. 24 (cf. note 3, below). Concerning a similar motion in the spring of 1776, see vol. I., no. 622, note 3, and no. 709.

³ According to the *Journals*, the motion Sept. 25 was seconded by Elbridge Gerry. James Lovell says, however (no. 554, *post*), that he seconded the motion. Probably the *Journals* are in error, for Gerry is also recorded as having seconded the motion to amend. Gerry's interest in the measure is indicated in his letter to John Adams Aug. 24 (no. 492, *ante*). On the other hand, if the motion was actually offered on the 24th, it may have been on that occasion that Lovell seconded it. Lovell's account of the matter

Mr. Laurens. I must oppose the Motion of my Hon'bl Colleague for several reasons—1st. A Resolution than [that] no Member of Congress shall be eligible etc. in the moment we mean to fill up a blank in the Commission for a F⁴

[Endorsed:] Mr. Mathewes self denying Motion—24 Sept. 1779

544. THE PRESIDENT OF CONGRESS (JOHN JAY) TO THE PRESIDENT OF NEW HAMPSHIRE (MESHECH WEARE).¹

PHILADELPHIA 25th September 1779

Sir,

I have the honor of transmitting to You herewith enclosed, a copy of an Act of Congress of the 24th Inst. providing for the Settlement of all disputes between the States of New-Hampshire, Massachusetts-Bay and New York relative to their Boundaries, and between those States, and the People of the district called the New-Hampshire-Grants who claim to be a separate Jurisdiction. Congress are so sensibly impressed with the Importance of these objects that this Act passed Unanimously, and they flatter themselves that the same Sentiments will influence the States in question to adopt without delay the measures it recommends.²

545. JOHN JAY TO THE GOVERNOR OF NEW YORK (GEORGE CLINTON).¹

PHILADELPHIA, 25th September, 1779.

Dear Sir:

Whether the resolutions of Congress of the 24th inst.,² providing for the settlement of all disputes between New York and her neighbours, as well as revolted citizens, will please my constituents as much as they do me is uncertain. Nor am I convinced of the prudence of committing to paper all the reasons which induce me to think them (all circumstances considered) perfectly right. Some of them, however, I shall communicate. My first object on coming here was to prevail upon Congress to interpose, though in the smallest degree; well knowing, that if they once interfered ever so little, they might with more ease be led to a further and more effectual interposition.

suggests, however, that the vote upon the motion as recorded in the *Journals* followed immediately upon his second. At all events, Lovell subsequently indicated (see nos. 569, 581, 684, 685, 688, 695, *post*) that his support of the measure rose up to embarrass him. For still another attempt toward a self-denying resolution (moved by Gerry and seconded by Sherman), see the *Journals*, Nov. 15, and no. 649, *post*.

⁴ The note was left unfinished. Laurens was probably about to write "Foreign Minister" and give his reasons for opposing the motion. In his letter to John Laurens (no. 552, *post*) he states explicitly his attitude toward the motion.

[544]¹ Copied from the original, then in possession of Mr. Stan. V. Henkels of Philadelphia; Library of Congress, President's Letter-Book, p. 189.

² See the *Journals*, Sept. 8, 17, 20, 22-24. One of the resolutions of Sept. 24 was modified Oct. 2. Cf. nos. 495, 506, 514, *ante*, 545, 561, 563, 565, 598, *post*.

This is the last of Jay's letters recorded in the President's Letter-Book. It is followed on the next page by a transcript of the proceedings recording Jay's appointment to the Spanish mission (Sept. 27) and of Huntington's election to the presidency (Sept. 28).

[545]¹ *Corr. and Pub. Papers of John Jay*, I. 237; *Recs. of the Governor and Council of Vt.*, II. 185; *Clinton Papers*, V. 283 n.

² See no. 544, *ante*, and nos. 561, 563, 565, 566, 598, *post*.

Soon after my arrival, I found the following objections to an interference with Vermont generally prevailing.

1st. That Congress, being instituted for the sole purpose of opposing the tyranny of Britain, and afterward of establishing our independence, had no authority to interfere in the particular quarrels of any State. Hence all their former resolutions on the subject were merely negative. 2d. That the confederation had not yet taken place, and that the business should be postponed till all the States had acceded: an event then daily expected. 3d. That it was an improper season to interfere, and that the attention of Congress ought not to be diverted from the general objects of the war. 4th. That harsh measures against Vermont might induce them to join the enemy and increase their force. 5th. That they possessed a strong country, were numerous, warlike, and determined; and that more force would be required to reduce them, than could be spared from the general defence.

These were some of the ostensible objections. Besides which I had reason to suspect the following private ones:

1st. That divers persons of some consequence in Congress and New England expected to advance their fortunes by lands in Vermont. 2d. That Vermont, acquiring strength by time, would become actually independent, and afterward acknowledged to be so. 3d. That being settled by New England people, and raised into consequence by New England politics, it would be a fifth New England State, and become a valuable accession of strength both in and out of Congress. 4th. That ancient animosities between New York and New England naturally inclining the former to side with the middle and southern States, the less formidable she was the better, and therefore the loss or separation of that territory was rather to be wished for than opposed. These and many other considerations of the like nature induced me to postpone bringing on the matter till I could have an opportunity of preparing the way for it by acquiring a knowledge of the characters then in Congress, etc.

It is also proper to observe that the House was for the greater part of the winter so heated by divisions on points of general importance, that it would have been improper and imprudent to have called upon them to decide on this delicate business till more temper and calmness had taken place. When these began to appear the subject was introduced, and you have had a copy of the resolutions proposed by New York on that occasion.³ Against them all objections before mentioned operated, with this additional one, that it would be highly unjust and impolitic to determine against Vermont, without previous inquiry into the merits of their claims, and giving them an opportunity of being heard. This objection, so far as it respected their claim to independence, was absurd though plausible; but it was not to be overcome; and though we might have carried a resolution against it by a slender majority, that majority would have consisted of southern members against a violent opposition from New England and their adherents. A resolution carried under such circumstances would rather have encouraged than disheartened Vermont, and was, therefore, ineligible.

³ The resolutions were offered May 22. See nos. 313, 314, 318, 319, 322, *ante*.

Hence I conceived it to be expedient to promote the measure of appointing a committee of inquiry; ⁴ knowing that if Congress proceeded to inquire, it would be a ground for pressing them to go further and determine, especially as I was apprised that the result of these inquiries would be in our favour.

The committee, you know, never had a formal meeting; ⁵ it, nevertheless, had its use. The individual reports of the members who composed it advanced our cause; and even Mr. Witherspoon, who was and is suspected by New York, made representations in our favour.

Your last resolutions ⁶ were of infinite service, by evincing the moderation, justice, and liberality, and, at the same time, the spirit of the State. On the other hand, the law of Vermont for whipping, cropping, and branding your magistrates made an impression greatly to their disadvantage. Before these emotions should have time to subside, as well in observance of our instructions, I pressed Congress from day to day to adopt such measures as the public exigencies called for, and thereby prevent the flames of civil war from raging. It would not, I believe, have been difficult to have obtained what some among you would call very spirited and pointed resolutions, but which, in my opinion, would have been very imprudent ones; because, among other reasons, they would not have been unanimous. You will find the recitals and particular resolutions numbered in the margin of the copy herewith enclosed, from 1 to 13. I shall trouble you with a few explanatory remarks on each of them, under heads numbered in like manner.⁷

1st and 2d. These recitals were inserted to show the reason why Congress now proceed without the report of the committee, after having resolved to postpone the further consideration of the subject till their report should be made.

3d. This recital justifies the facts set forth in your representations, and in case an appeal to the public should become necessary, may be used with advantage to New York.

4th. This recital destroys the doctrine that the Union (independent of the articles of confederation) had no other object than security against foreign invasions.

5th. This recital is calculated to impress the people with an opinion of the reasonableness and policy of the requisition or recommendation which follows, and therefore will the more readily induce those States to adopt the measures recommended to them.

6th. You may inquire for what reason I consented to this recital, as it puts Massachusetts and New Hampshire on footing with New York;

⁴ See the *Journals*, June 1, 2.

⁵ See the committee's report in the *Journals*, July 13. Cf. nos. 403, 407, 409, 428, *ante*.

⁶ The resolutions are found in O'Callaghan, *Doc. Hist. of N. Y.*, IV. 987.

⁷ The resolutions with their preamble are not arranged in numbered paragraphs, but it is not difficult to determine to which clauses Jay's comments respectively apply. The remarks under 1, 2, and 3 refer to the first three paragraphs of the preamble (*Journals*, pp. 1095-1096), 4, 5, and 6 to the fourth paragraph of the preamble (middle of p. 1096), 7, 8, and 9 to the first resolution (pp. 1096-1097), 10 to the second resolution (middle of p. 1097), 11 to the third resolution (foot of p. 1097), 12 to the fourth resolution and its preamble (p. 1098), and 13 to the last resolution (p. 1099).

whereas I well knew that New York alone had a right to claim jurisdiction over Vermont. My reasons were these: Vermont extends over Connecticut River into the acknowledged jurisdiction of New Hampshire; as to Massachusetts, the recital admits only her *claims*, not her *title*; and it is as impossible to deny the existence of claims when made, as it is to prevent them. Their delegates pointedly asserted and insisted on the claim of Massachusetts; and it appeared to me expedient to provide for a speedy determination of all claims against us, however ill-founded. You may further ask why Vermont is made a party? The reason is this: that by being allowed a hearing, the candour and moderation of Congress may be rescued from aspersions; and that these people, after having been fully heard, may have nothing to say or complain of, in case the decision of Congress be against them, of which I have no doubt.

7th. It is true that by this resolution the merits of former settlements with these States will be again the subject of inquiry, discussion, and decision; and therefore it may at first sight appear improper; but these settlements will still remain strong evidence of our rights, however objectionable they may be represented to be by those States. Nor will Congress be easily prevailed upon to annul them, because in that case all their boundaries would be afloat. Besides, in my opinion, it is much better for New York to gain a permanent peace with their neighbours by submitting to these inconveniences, than by an impolitic adherence to strict rights, and a rigid observance of the dictates of dignity and pride, remain exposed to perpetual dissensions and encroachment. Peace and established boundaries, under our circumstances, are, I think, almost inestimable.

8th. The reason of this is assigned in the last sentence under the 6th head.

9th. For the same purpose of preserving the appearance of equality in claims, whatever difference there may be in titles, the three States are mentioned in this recommendation. The object of it is a settlement of all disputes respecting interfering grants, in case Vermont should be abolished, and that district in part, or in the whole, adjudged to either of the three States.⁸

10th. I am sure you will admit my prudence in giving your voice for this resolution.

11th. As it was not absolutely certain that New Hampshire and Massachusetts would pass the laws in question, and as I was sure that New York would, it appeared to me highly expedient to provide, by this resolution, that the dispute between New York and Vermont should be determined, whether the other two States came in or no; and, lest the former guarantee contained in the tenth resolution might be construed to be contingent, and to depend on the event of all the three States adopting the measures recommended to them, it is here repeated. You will observe that neither of the three States are to vote on the decision.

12th. On the plan of hearing Vermont, this resolution, however inconvenient, became indispensable. Care, however, has been taken in it

⁸ The clause to which this applies ("and also to authorize", etc.) was repealed Oct. 2 and a substitute adopted.

to exempt all persons from their jurisdiction who profess allegiance to either of the three States. But you will say, Why to the *three* States? Why not to New York only; from whom they revolted, and under whose actual jurisdiction they last were? Because it would have clashed with the equality of claims before mentioned, and the least opposition to which would have prevented these resolutions from being unanimous; a circumstance, in my opinion, infinitely more valuable than the preservation of useless etiquette. And, further, because the district is here so described as to extend over the river and affect New Hampshire. In a word, the necessity of the resolution was so obvious that there was no avoiding it. These inconveniences will be temporary, and, if the principles laid down in it are observed, will not be very great; especially as Congress have determined a violation of it to be a breach of the peace of the confederacy, and have declared their resolution to maintain it.

13th. This resolution needs no comment, the policy and justice of it being extremely evident. Anxious to avoid a moment's delay in sending you these resolutions, I have not time by this opportunity of adding any thing further than that upon this occasion I have acted according to the best of my judgment, after having maturely considered and well weighed the force and tendency of every consideration and circumstance affecting the business in question. When I first received my special commission, I did not apprehend that this matter was in a more particular manner confided to me than to my colleagues, though some of them considered it in that light. The commission vested me with no further power than what any other of your delegates possessed; nor was any matter given more particularly in charge to me than to the others by the Legislature. Their late instructions, however, speak a different language. I am satisfied to be viewed in that light, that is, to be the responsible man; and, provided the measures I adopt are not thwarted, I am confident that I shall be able to bring all these matters to a happy conclusion. I hope, however, that this will not be considered as a hint for my being continued in the delegation; I assure you, nothing but an adherence to the resolutions and principles of action I adopted and professed at the commencement of the war would induce me to remain here at the expense of health as well as property; for though I shall always be ready to serve my country when called upon, I shall always be happy to find it consistent with my duty to remain a private citizen. I am, sir,

Your most obedient servant,

JOHN JAY.

546. THE CONNECTICUT DELEGATES TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, Sept. 25th, 1779.

Please your Excellency,

. . . . Capt. Niles's papers and accounts have been laid before Congress and are referred to the Board of Treasury who have not yet re-

[546]¹ Mass. Hist. Soc., *Collections*, seventh ser., II. 441.

ported thereon.² Proper attention will be paid to your Excellency's wishes respecting your son, and nothing will be wanting on our part to further them in case an appointment of the kind should be judged necessary. The new Minister of France, the Cheveleer de la Luzern, arrived here last Thursday, but has not yet been formally announced to Congress. Mr. Gerard will sail soon in the *Confederacy* for France.³ Our foreign affairs are bro't nearly to a close.

The great business of finance grows daily more and more pressing and important. Some resolutions ascertaining the sum that will be necessary to supply the Treasury, assigning to the States their respective quotas, and fixing the time of payment, are under consideration and will soon be passed upon and transmitted to the States.⁴ There is not hard money in the Treasury, otherways your application would have been complied with.

No *Journals* have come out since our last. . . .

547. HENRY LAURENS, NOTES OF PROCEEDINGS.¹

Saturday 25th Sepr. 1779.

Nominations for a Minister Plenepotentiary to treat with the Court of Great Britain for Peace and Commerce.

Mr. John Adams by Mr. Laurens.

Mr. Jay by Mr. M. Smith.

Sunday 26th Sepr.

1st Ballot—5 States for Mr. Adams	} abortive.
4 for Mr. Jay	
3 divided	
2nd Ballot—6 States for Mr. Adams	} abortive. ²
5 for Mr. Jay	
1 divided	

Resolved to appoint a Minister Plenepotentiary in lieu of a Commissioner to treat with the Court of Spain on Alliance, and for Amity and Commerce.³—*Manoeuvre*.

² See the *Journals*, Sept. 20. Capt. Robert Niles had been sent to France in May, 1778, to carry the ratification of the French treaty and other despatches. See these *Letters*, vol. III., no. 297, note 3.

³ See no. 535, *ante*, and nos. 558, 572, 595, 606, 609, *post*.

⁴ See the *Journals*, Sept. 13, Oct. 2, 6, 7.

[547]¹ Univ. Va. Lib., Lee Papers (in the writing of Moses Young, except the last sentence, which, with the signature "H. L.", is in Laurens's own hand).

² The *Journals*, Sept. 26, mention three indecisive ballots, but neither Laurens nor Lovell nor Fell gives indication of more than two. Lovell, however, records the votes for Adams and Jay by states. See nos. 548, 553, 554, 556, *post*.

³ The phrase "in lieu of a commissioner" was not included in the resolve as adopted on Sunday, the 26th, but was inserted the next day when the resolution was reconsidered.

Nominated

Mr. Arthur Lee..... by Mr. Laurens.

Mr. John Adams..... by Mr. Paca—divide and Conq.⁴

Mr. Jay by Mr. Mercer.

Ballot—⁵ } To the honor of Mr. Langdon.
 } New Hampshire for Mr. Lee

Massachusetts

Connecticut

New York—Mr. Jay's own vote was necessary

New Jersey

Delaware

Maryland

Virginia

North Carolina

Rhode Island }
Pennsylvania } divided, and did not vote.
South Carolina }. Mr. Jay
squeezed in.

Ballot for a Minister to treat with the Court of Great Britain.

For Mr. John Adams, eleven States.

One State either pertinaciously or inadvertently voted for Dr. Franklin—the ballot according to rule not counted, as Dr. Franklin had not been nominated, therefore the vote for Mr. Adams unanimous.⁶ And I congratulate with my Country upon the occasion.

H. L. ⁷548. JOHN FELL, DIARY.¹

[September 25, 26, 1779.]

Saturday 25th ² First day I went abroad since being sick. It was moved that a Minister to Negotiate a Peace with great Britain and a

⁴ "Divide and Conquer."⁵ According to the *Journals* the nominations were made at the close of the session on Sunday, Sept. 26, and this ballot was taken late on Monday, the 27th. The *Journals* do not record in detail any of these ballots, either of the 26th or 27th. See also nos. 557, 559, 562, *post*.⁶ Dickinson of Delaware. Cf. nos. 553, 554, 557, 562, *post*.⁷ These are doubtless the notes which are mentioned in Laurens's letter of Sept. 28 to Richard Henry Lee (no. 559, *post*).[548]¹ Library of Congress, Journals and Diaries.² Holten's entry for the day is: "An express arrived here with the account that the Count D'Estaing arrived off Georgia the 5th instant. I wrote to Mrs. Holten by Genl. Whipple."

In the *Connecticut Courant* of Oct. 5 are extracts of three letters, all dated Sept. 26, mentioning the news by this express. One is from a member of Congress "to a gentleman in this town", another from a member of Congress "to a gentleman in the State of New York", and a third "from a gentleman in Philadelphia to his friend in this town". The first says that the express left Charlestown on the 9th and that the attack on the enemy, concerted between D'Estaing and Lincoln was to be made that day. He adds, "there is the highest reason to believe that Georgia and the British forces in those parts are before this in our possession". The second says, "I have only time to communicate the joyful news, that by express arrived last night in 15 days from Charlestown South-Carolina, with letters from Count D'Estaing, who arrived with his fleet of 21 ships of the line, with frigates, etc. the 5th instant off Georgia", etc. The third speaks of the express as from Georgia and says that D'Estaing was accompanied by "25 ships of the line and 8 or 10,000 land forces, and on the 9th was to begin the attack, when his success was not doubted", etc.

great deal of disagreeable altercation and debate occasioned by Mr. Lees being so often mention'd at last Mr. Jay Mr. Adams and Mr. Lee were put in Nomination. Adjourn'd

Sunday 26 Congress met. great debates as before. Balloted. Mr. Adams 5. Mr. Jay 4. Mr. Lee 1. no Choice Balloted 2d time Mr. Adams 6. Mr. Jay 5. no Election.³

549. JOHN JAY TO THE SEVERAL STATES.¹

(Circular)

PHILADA. 26th: Sepr: 1779

Sir,

You will receive, herewith enclosed, a copy of an Act of Congress of this day earnestly recommending it to the several States to exert themselves in furnishing the allied Armaments in America with such aids of Men and Provisions as may enable them to operate effectually against the common Enemy, and expel them from this Country.

The Reasons for this Recommendation are fully assigned in the Preamble to the Resolution; I forbear therefore to multiply Arguments to induce a compliance with a Requisition which every motive of Interest, Safety, Honor, and Regard to the Alliance loudly call upon every American to regard and fulfil.²

³ For accounts of this contest see no. 547, *ante*, and nos. 552-554, 556, 557, 559, 562, *post*. Sparks quotes from a report of Gérard to Vergennes the following account of the proceedings upon this election (*Writings of Washington*, VI. 385; found also in Wharton, *Rev. Dipl. Corr.*, III. 337; copy of original in Library of Congress, Stevens Facsimiles, "French Alliance"):

"*September 25th.* Congress proceeded to the choice of a minister to Spain. The friends of Arthur Lee made strong efforts to have his commission renewed. The motion was put in a direct form, and lost by so large a majority, as to destroy all hope of his succeeding. A motion was then put, that they should proceed to a choice of a person or persons, who should be charged with the powers of making peace. This was carried. A member then proposed, that Franklin and John Adams should be appointed jointly. Many members were opposed to a junction of any sort. The party from the east then proposed Mr. Adams, and the party from the south Mr. Jay. The decision of the question was deferred till the next day. The event of the election would seem to be problematical. Four States have declared for Adams and the same number for Jay. The accidental presence or absence of any of the deputies of the other States would decide the question. Your letter to Mr. Adams has produced an impression highly favorable to him."

"*September 26th.*—The election of ministers plenipotentiary occurred to-day. The first ballot gave five States for Adams and four for Jay. The act of confederation requires seven votes for a valid election. The second ballot gave six votes for Jay and five for Adams. The friends of the former, perceiving that Arthur Lee was perpetually the cause of division on this subject, as on all others, put the motion, 'Shall a minister plenipotentiary to Spain be nominated?' The affirmative was sustained by seven States against two. Only seven individuals of thirty-eight were for the negative. By this vote the commission of Arthur Lee was virtually revoked. One of his partisans then named him as minister plenipotentiary. There are now three candidates, and the election is deferred till to-morrow. It is hoped by some, that Mr. Adams will be named for Spain, and Mr. Jay for the peace. This arrangement promises to conciliate the parties, and M. de la Luzerne thinks with me, that we shall have reason to be satisfied."

[549]¹ Md. Hist. Soc., Red Book, VIII. 122; Mass. Arch., CCI. 315; N. C. Hist. Comm., Caswell Papers; N. C. State Recs., XIV. 210; Pa. Arch., first ser., VII. 716.

² This circular letter is not recorded in the President's Letter-Book. See no. 544, note 2, *ante*.

550. HENRY LAURENS TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

26 September 1779

Dear Sir

On the 12th Inst I had the honor of receiving your excellency's letter of the 6th together with the several papers referred to in a list which came inclosed. The french papers were immediately put into the hands of our public translator; ² the work being long he detained it five days, as soon as he returned it, I gave notice to Congress that I had received such dispatches from your Excellency and should beg leave to present them the next day when that day arrived I found it impracticable to obtain a reading and patient hearing, and so the next and the next—Congress being anxiously engaged either on the Vermont or Foreign affairs to the exclusion even of public dispatches. I then judged it necessary to consult the honorable Mr. Huntington on the expediency of detaining Mr. Brown, he was with me clearly of opinion he ought to be dispatched because we could discern no prospect of getting the papers properly before the House in any certain reasonable time. I had therefore intended Mr. Brown should have gone away early yesterday but from a variety of public calls I could not accomplish my wish. yesterday I returned from Congress at half past 4 o'Clock I rose this morning an hour before day and am now writing by candle light in order that he may begin his journey early.

The paper printed in low Dutch is in the hands of a gentleman for translation who intimates that it will be the work of some days but that he will lose no time. when this is done all the papers shall be offered to Congress and afterwards returned to your Excellency when I shall endeavor to reply particularly to such parts of the letter above mentioned as from necessity I am obliged to pass over at present. The packet for the Baron Van Der Capellan will go in the Frigate *Confederacy* committed to the care of Mons Girard to be forwarded agreeably to your Excellency's desire.³

Your Excellency may freely command me in every thing in my power for forwarding the inclinations of Mr. John Trumbull but I do not think there is any opening for him in a public character abroad and were he my Son I should dissuade him from an attempt of that kind in the present temper of the times—I might have said, distemper. . . .

Congress will this day (Sunday) vote for a Minister Plenipotentiary for negotiating in due time Treaties for Peace and Commerce with Great Britain—the candidates are only two, Mr. President Jay, and Mr.

[550]¹ S. C. Hist. Soc., Laurens Papers, volume of copies (1777-1783), p. 281.

² Paul Fooks was appointed June 2, 1778, "interpreter and translator of languages to Congress", with a salary of one hundred dollars per month. Dec. 22, 1779, he was granted a salary of 2400 dollars per annum "for acting as interpreter to Congress in the French and Spanish languages". In March, 1778, there was no one available to Congress in York Town who understood Spanish (see vol. III., no. 172).

³ See no. 609, *post*. The "paper printed in low Dutch" is doubtless what he speaks of in the letter of Oct. 19 as "the Dutch Book". It has not been identified.

John Adams. If I penetrate bosoms there will be no choice unless Mr. Jay shall think and act as I would on such an occasion.⁴

"I hear there be divisions among you"—Who can read the Yeas and Nays and not "believe it", at least in part.

From the beginning I wished to explode those Yeas and Nays which your Excellency seems displeased with. the state from Whence I came at a time directed their Delegates to call for them on every vote—the call is certainly right and useful on some occasions, and Men will choose for themselves. Sometimes they are held out *in terrorem* and the ⁵ will appear afterwards desirous of expunging, but when I detect a cunning crafty Man in his trick, I baulk him. being called for and taken, let the Prompter and his produce appear before his fellow Citizens.

A heavy Weight lies on my mind from a consideration of the wretched state of our Paper Currency. Congress determined a fortnight since and more, to make no Emissions beyond 200 Million Dollars. We are verging fast to that amount, yet not one solid step trodden in the road of future Ways and Means for replenishing our Treasury and carrying on the War. We have in my humble opinion inverted the order of things, made that an harbinger which in Wisdom ought to have been secondary—Will the Chapter of Accidents again relieve us? God only knows.

I dare not detain Mr. Brown a moment longer, therefore for the present I must take leave by assuring Your Excellency that I continue

With the most sincere respect and esteem Sir

Your Obligd and Most Obedt. Servt.

H. L.

551. THE MARYLAND DELEGATES TO THE GOVERNOR OF MARYLAND
(THOMAS JOHNSON, JR.).¹

Sir,

PHILA'A Sept. 26th 1779

.....

P. S. The enclosed Letters were referred to the Maryland Delegates who have not been able to get information of any such man in our State. They therefore refer the same to Your Excellency and the Council The Count De Stainge with his Fleet and Army are off Georgia.²

552. HENRY LAURENS TO JOHN LAURENS.¹

PHILADELPHIA 27th Septem. 1779.

My Dear Son,

..... Congress have authorized General Washington to Co-operate with the French Admiral and General in such manner as he shall judge

⁴ See nos. 547, 548, *ante*, and nos. 552-554, 556, 557, 559, 562, *post*.

⁵ The meaning probably is that the very persons who called for the yeas and nays became eager afterward to have them expunged. The blank may not of course have been in the original, which has not been found.

[551]¹ Arch. of Md., XXI. 537; Md. Hist. Soc., Red Book, V. 41.

² The letter is signed by Paca, Carmichael, Forbes, and Jenifer. A letter from Governor Livingston of New Jersey, Sept. 20, relative to the case of James Tagart (Md. Hist. Soc., Red Book, V. 46) bears an endorsement in the writing of Charles Thomson: "Letter from Govr. Livingston 20 Sept 1779 respecting Mr. Tagart. Read 26 Referred to the Delegates of Maryland."

[552]¹ S. C. Hist. Soc. John Laurens Papers; S. C. Hist. and Geneal. Mag., VI. 154.

conducive to public good without applying to them for further directions and have strongly recommended to the middle and eastern States to give the General all possible aid of Men and provisions and also to furnish provisions of flour for the use of the Fleet and Army of our Ally.²

That Assembly met yesterday for the Sole purpose of appointing a Minister Plenipotentiary for treating with his Britanic Majesty on Peace and Commerce, an Act which in my estimation is extremely premature. Mr. Adams and Mr. Jay were nominated, the Ballots twice taken without effect. 1st Ballot, 5 for Adams 4 for Jay 3 States divided. 2d 6 for Adams, 5 for Jay South Carolina divided.³ My Colleague had laboured hard two days for carrying a resolution to disqualify any Member of Congress or any one who had been a Member within nine preceeding Months for any office of trust or emolument under Congress.⁴ I opposed the Resolution but coincided in the Idea and wished it might be understood by the whole House that a Member should not be appointed. among other reasonings my Colleague in favor of his Motion had urged, that the appointment of a Member to be a foreign Minister would be degrading; by Sending one from sovereignty into servitude. you can't Suppose I could hear Such sentiments and forbear laughing inwardly. finding me to be clear in his opinion that on the present occasion we ought not to appoint a Member he earnestly requested me to think of a proper Character out of doors after Some hours reflection I named to him Mr. John Adams as a Gentleman in every respect well qualified, against whom there could be no exception and to whom these States were much indebted. there rested the matter, until the proposed Resolution and its proposed amendment were ousted by Yeas and Nays. when the Ballots were about to be taken, my Colleague declared for Mr. Jay. I expostulated with him on what had passed between us; observed, that among other motives, I had nominated Mr. Adams on his own principles and candidly and honestly declared to him Such exceptions against Mr. Jay as neither himself nor any Man could remove. he nevertheless persisted and South Carolina was deprived of a vote. I explained to Congress in terms nearly as above written the ground of our division as an apology for my own conduct.⁵

I think no honest Man will censure me, nor would I have it understood that I mean to censure Mr. Mathewes, we are perfectly good friends and I beleive him to be a very honest Man. I am also persuaded he had not been let into the secret of his self-denying motion, but this must be reserved as a subject for a future moments discussion. * See note within.⁶ these things I say to you and to my good friend Gervais, and to nobody else, unless you shall find it necessary which I hope will never happen. . . .

² See the *Journals*, Sept. 26.

³ Cf. no. 543, *ante*, and no. 554, *post*.

⁴ See no. 543, *ante*, and the *Journals*, Sept. 25.

⁵ See no. 547, *ante*, and nos. 554, 575, *post*.

⁶ This remark was evidently inserted after the letter had been written. The note will be found below, appended to this letter.

[Note on separate slip enclosed:]

* This Morning Monday 27th September according to my imaginary foresight will be devoted to the appointment of a Minister Plenipotentiary to treat with the Court of Spain on Alliance and Amity and Commerce. Mr. Lee will be, as tis intended and expected superceded by Mr. Jay, an avowed and inveterate Enemy. Gods will be done.

553. JAMES LOVELL TO RICHARD HENRY LEE.¹

(Confidential)

Monday 27th Sept. [1779.]

The Vote for appointing a *minister plenipotentiary* in lieu of a *Commissioner* to negotiate a Treaty of Amity and Commerce with Spain having passed as I have shewn, and A Lee being nominated with J Adams and J Jay, I produced the two Letters² of which I send you Copies, for the purpose of showing the Appeal of the Count de Vergennes to his own manner of Behavior towards the Commissioners jointly and *separately* as the Test of his *not having adopted* the Prejudices which were apparently attempted to be inspired into America This appeal on Feb 13 after such a Testimony as Mr. Adam[s]'s had been presented shows either that the Count had not really been afraid of Mr. Lee and those about him or that he had become sensible his Fears were ill-grounded. I performed this last Act of Friendship or rather Justice to a cruelly injured man and then left the Body to proceed on Business with only entreating for due Weight to be given to the abundant Proof which is on the Files of the execrable Falsehood and Vilainy of the Assertions and Innuendoes which had been made and published for the Purpose of blasting the Character of the virtuous and faithful Commissioner now in Nomination as a Minister plenipotentiary. The Baloting was called for *first* for a Minister for Spain, with Intent to put J A there; but it being found that the *prudent* Class were too prudent indeed for that, the Plan was changed to J J for Spain, and the crowning act of all Deanes base Arts took place.³

N. Hamp. A. Lee.

R. Is.
Pens.
Sth Car.
no Vote.

Mass.
Conn.
N. Yk.
N. Jer.
Del. Dickinson.
Mary.
Virg.
N. Car.

J Jay

A minister for Peace

J A only nomination all the votes except one for Doctr. Franklin.⁴

[553]¹ Univ. Va. Lib., Lee Papers.

² Presumably John Adams to Vergennes Feb. 11, 1779, and Vergennes' reply Feb. 13. See nos. 536, 542, *ante*.

³ Cf. nos. 554, 562, *post*. For the ballot see also no. 547, *ante*.

⁴ This one vote was that of John Dickinson. Cf. no. 547, *ante*, and nos. 557, 562, *post*.

The Ballot of my 3 Colleagues stands as mine for, by the yeas and nays a little before I appear to be present in Congress. This is but one of the many Stains which we are liable to in this Sort of Business.⁵

And now, my dear Sir, I shall strive to lay aside all my Anxieties about your Brother. He ought instantly to come over and do himself all that Justice before the World which his Patriotism will permit. I cannot at present see how he will accomplish it without exposing to censure [the] more than Wretch who raised the Flame that has so long been burning here.

Yr. Brother will be able to tell that he sent his Resignation in Time; But, that his Friends, conceiving no capital Injustice would be done him after the full Vindication against all Deane's Slanders had reached Congress, chose to suppress that Resignation, by which, otherwise, Congress would have been kept from adding Iniquity to Transgression.⁶

Your Letters of the 12th and 18th as well as Col. Frank's of the 10th reached me to day. I cannot particularly acknowledge the latter myself but beg you to give Love to him and communicate what you please of my Informations to him, only using the Precaution to seem both of you to be ignorant till you acquire the Knowledge from the Emanations of the gluttled malice of a Set who almost say they were sent from yr. Quarter for this sole purpose. They certainly act zealously in their mission if such it was.

I have proceeded on the powers but nothing decisive will be concluded till tomorrow Evening.⁷

I wish Arthur may get some Item of these Things before Gerard carries the whole Budget.

I have so much to write to Boston that I must now bid you adieu, with an Assurance of being very affectionately Yours

J L

[P. S.] 3 Secretaries are wanted. Time must show whether the Choice of these will fall on Devotees or Watchmen.

Carmichael Houston and Brockholst Livingston are hinted. I believe Dana wd. go with Adams. B. L is J Jays Brother in Law and now his Secretary.⁸

⁵ What Lovell means to say in this paragraph is not entirely clear. Assuming that the word "for" belongs to the first statement and not to the second, he means, first, to say that he and his three colleagues all voted for Adams as minister to negotiate peace. On the same assumption the second statement has no necessary connection with the first. Lovell had mentioned above that after presenting the Adams-Vergennes letters he had withdrawn from the floor of Congress, though at what precise stage in the proceedings he does not make clear. In his letter to John Adams Sept. 28 (no. 557, *post*) he mentions that the letters were presented "prior to the choice for Spain". Lovell's name is among the yeas and nays taken just before the balloting, but his statement that these yeas and nays make him "appear" to be present seems to indicate that he was not actually present when that vote was taken. Nevertheless he does seem to indicate that he was present and voting when the ballot for a minister to negotiate peace was taken, which, according to the *Journals*, was immediately after the election of Jay.

⁶ Cf. nos. 478, 496, 533, 535, 536, *ante*, 553, 554, 562, 599, *post*.

⁷ The reference is presumably to the authority given to the friends of Arthur Lee in Congress to use their discretion as to measures to be taken in his behalf. Cf. no. 488, *ante*.

⁸ Cf. nos. 557, 568, 572, 605, *post*.

I shall write only a short closing Speculation as Rowland.⁹ Many Vouchers may be used *honorably* in a Law Court which cannot be in a news Paper. The best Way is for all the Friends of the injured, *at this Period*, to be silent, unless the opposite Party shall give fresh occasion. I will speedily attend to what you want but I suggest to you the Propriety of my getting Fooke¹⁰ to translate all the french Vouchers which may be wanted so that he may *swear to the Translation*.

That we may have compleat Understanding of each other's opinions let us observe great Silence as to the Lights we get, *in this Channel of our Correspondence*. We shall have Room enough to quote *others*, I dare say.

Let your honest zealous past Endeavors be yr. Comfort tho Innocence and Worth have not been entirely defended by them.¹¹

J L

554. JAMES LOVELL TO JOHN ADAMS.¹

Confidential

monday 27th of Sepr. [1779.]

Not knowing, my dear Sir, how certain things now in agitation may this day be terminated here, I chuse to state, at this time some proceedings two days old, that I may not be thought to give them a Gloss in the Stile of an *After-Prophet* turned Historian or Painter. for a Ground Work I refer you to the Report of the Com'tee of thirteen with its consequent

⁹ See nos. 460, 478, 501, *ante*, and no. 599, *post*. Lovell evidently had a considerable part in the preparation of the "Rowland" articles.

¹⁰ Paul Fooks. See no. 550, note 2, *post*.

¹¹ On the same day on which Lovell's letter was written a small contribution of fuel to the anti-Lee faction was transmitted from Virginia and probably was presently utilized by that faction in Congress. This was a letter from John Penn, then on his way to North Carolina, to his colleague, Joseph Hewes. The letter was written from "Colo. Pendleton's", and in part is as follows:

"Col. George Mason of Virga. drew a Bill of exchange on Mr. William Lee in France for near £1000 which money Mr. Lee was indebted for Tobacco consigned to him several years ago. The Bill was protested and the history of Mr. Lee's shifts to avoid being seen, is written at length. I am told by those that has seen it that Mr. Lee's character is much hurt, as he would hide himself but the French Gentlemen would by the assistance of one of his maids oblige him to retreat from his concealment. However, Lee tho' good at manuevring, was at last reduced to his *ne plus ultra* by the indefatigable zeal of his pursuer. He denied he was the man that it must be his brother. He was answered that the Bill was drawn on William Lee, that his Brother was named Arthur. He then refused to pay anything and immediately went to Nantz, and wrote Col. Mason that he had directed his Brother to pay him in Virginia money, what he owed him. This is to be done at 33 1/3 pr. ct., and to crown all antedates his letter three or four months. This Col. Mason says he can prove.

"The manner that these things are told make it very necessary, I think, to inquire into Mr. Lee's conduct, as it is disgraceful to employ any man in the service of the United States that conducts himself in such a manner as this Gentleman is said to do. I am promised a copy of the protest. It is diverting it seems as every circumstance relating to the running Lee down and the questions and answers to and from his servants are told." (A copy of this letter, from the original, was courteously furnished by the Rosenbach Company of Philadelphia.)

This affair between George Mason and William Lee, already several years old, appears to have been still in the courts ten years later. See Richard Henry Lee to Charles Lee June 24, 1789 (*Letters*, II. 492), where something of the other side of the case is presented.

[554]¹ Adams MSS., Boston; *Works* (ed. Adams), IX. 486; Wharton, *Rev. Dipl. Corr.*, III. 339.

Yeas and Nays, which is certainly now in your Hands in print;² and also to what you must have some how or other come to the Knowledge of, respecting a long Struggle about Cod and Hadock;³ and further, to your own Reading and Judgment concerning the parliamentary Propriety of appointing a Man to carry into effect by all the Powers of skilful Negociation, a Measure to which he has been opposed Tooth and Nail in the whole preparatory Progress of it. Nor can I omit to call to yr. mind what I already must have written either to you or the lovely Portia that the *Lentor of Proceedings* here should account for the *Appearances* of Injustice done you by an Assembly, 9/10th of which profess, and probably have, an Esteem for you. Two Things are to be transacted with Britain, a Major and consequent Minor, as soon as her Madness and Folly begin to subside.⁴ But only one Agent is to manage them. The Commissions are drawn, and Instructions also. The Blanks are to be filled. Doctr. F. was nominated, *out of order*. This led one Man⁵ to suggest that he should find himself obliged when such a Nomin: shd. again be attempted, and *done in order* to follow it with the Nomination of Doctr. L—— as a *much more suitable Character*, which he would endeavor to make plain by various Testimonies in his Possession part known and part yet unknown to the Assembly. A Question was then moved by a Gentleman in that Company named Matthews and seconded by one named Lovell⁶ that no Member while there acting, or for nine Months after, should be elected to a place for which he or another for him recd. [any salary, etc.] and—by Yeas and Nays the nine months part was lost and the other part by the previous question. J Adams was nominated by Mr. Laurens, and J Jay by Mer: Smith. Adjourned to meet on the next day (Sunday) at 10 oClock. met; baloted, 5 for J A, 4 for J J, 3 could not agree. on a 2d tryal 6 for J A, 5 for J J; one could not agree. The *mover* of the motion above not being likely to consent with his Colleague to carry it into effect, The baloting was postponed.⁷

It had been frequently pressed on the Members to order some Resolves now on the Table, and but very lately passed (resptg: points on which the temper of Spain towards us greatly depends) to be forwarded to the Commissioner at that Court, as answers to the Questions which he hinted to us in 6 days after the Treaties with France, again on the 2d of Apr, again plainly and urgently for our Answr: on Augst. 27 again more urgently on Oct 19 again on Decr. 5th etc. etc.⁸ a cut and dried Com-

² A committee of one member from each state on foreign affairs was appointed Jan. 20, 1779, and brought in a report Mar. 24. The proceedings upon the report may be followed by consulting the index to the *Journals*, title, Foreign affairs.

³ That is, the question of the fisheries.

⁴ The treaty of peace and the treaty of commerce.

⁵ This was evidently Lovell himself. See nos. 547, 553, *ante*, and nos. 557, 562, *post*.

⁶ According to the *Journals*, the motion was seconded by Elbridge Gerry; but see no. 543, note 3, *ante*.

⁷ See no. 552, *ante*. Lovell records below the votes of the several states for Adams and Jay respectively in these two ballots. See also no. 547, note 2, *ante*.

⁸ The letters of Arthur Lee to which Lovell appears to refer are those of Feb. 10, Apr. 2, Aug. 31, Oct. 19, Dec. 5, 1778, in Wharton, *Rev. Dipl. Corr.*, II. 491, 536, 699, 800, 850. See also no. 536, note 2, *ante*.

mission such as must pass hereafter was produced moved for and seconded *out of order*. a motion was then made and seconded for chusing a *Minister* plenipotentiary to do exactly what a *Commissioner* is now fully authorised to do; as much so, exactly, as were the 3 at the Court of France. The *pretence* for this was the *accepted* 2d Paragraph of a Report vid Apr 15th that *Ministers* plenipotentiary were only necessary at Versailles and Madrid. The Spirit and Intent of which Paragraph lay in the word *only* and not in a technical use of Ministers as settled by France and us on the Arrival of Mr. Gerard. Some good and not *young* Men, on this question, saw not the *Trap* under the Chaff. Who could deny that we have assented to additional Parade and expence in a *Minister* above a *Commissioner*? Who could deny that two Persons would be on pay, *for a time, at once*, to do the same business? who could deny that A. Lee's compleat Vindications were on the table of Congress? This last Matter and all characterising was said to be *untimely*, as much as in a question about creating a Quarter Master *General* when we had a Quarter Master; for that A Lee stood as fair for *nomination* to the *new* Commission as any Man else, and *then* we should be allowed full Liberty to speak to Character. A *Majority* can thus kill but it requires *seven* to make alive. But seven thus killed. For Mr. Laurens tho' he spoke against the Question voted for it, and then nominated A Lee This act of his in such a desperate case does not make up for depriving a much injured man of the advantage of showing that he was artfully knocked down by six upon a presumption that seven could not be found to assist in recovering him from the Violence of the Blow.⁹ Mr. J: Adams was also nominated for Spain by Mr. Paca Mr. J Jay by Mr. Mercer of Virga.

This Accommodation Scheme had been proposed in Whispers early in the Morning, to provide places for the *two* nominated the day before. One to have a Post of the highest honor, and the other to take the post of a Man murdered on purpose to make room.¹⁰ Are not these doings a compleat Appendix to the Report of the Com'tee of 13 and the proceedings thereon months ago? Look at the Names. Here I must join in an old Exclamation of F. L. L when he had seen a whole day wasted. "What d——d dirty Work is this of Politics"!

I will now state the votes, Remarking, that, being Sunday, Mr. McKean was able to attend; but yr. *sworn Friend* the Farmer¹¹ will alone finish it. N Yk is represented by Mr. Jay and Mr. Lewis, not by one. N Jersey by Mr. Fell and Mr. Houston. Con[necticu]t by Mr. Huntingdon or Mr. Root.¹²

⁹ See Laurens's statement in his letter to John Laurens Sept. 27 (no. 552, *ante*). The vote to which Lovell alludes, wherein "seven thus killed", is that on the question of appointing a minister plenipotentiary to Spain (Sept. 26).

¹⁰ Gerry's explanation of the adjustment is doubtless more accurate (letter to Adams Sept. 29, no. 562, *post*).

¹¹ John Dickinson. See nos. 547 (note 6), 553 (note 4), *ante*, and nos. 557 (notes 4 and 5), 562 (note 2), *post*.

¹² By the "ands" and the "or" Lovell no doubt means to say that New York and New Jersey each requires two delegates to cast the vote of the state, whereas one of the Connecticut delegates might do so. The New York rule, as adopted Oct. 15, 1778, is found in the *Journals* under Nov. 19, 1778. A provisional modification was adopted Oct. 15-18, 1779 (*Journals*, Nov. 20, 1779). New Jersey likewise at this time required

1st Ballot ¹³	2d Ballot	1st	2d
<i>J A</i>	<i>J A</i>	<i>J J</i>	<i>J J</i>
N H	"	N Yk	"
Mass	"	Maryl.	"
R Is	"	Virg	"
Contt.	"	Nth. Car.	"
Delaw.	"	4	N Jers
5	Pens		5
	6		

Vote. For a *Minister* for Sp——¹⁴

555. HENRY MARCHANT TO HORATIO GATES.¹

PHILADELPHIA Sept. 27th 1779

Dear Sir,

I was honored with yours without a Date. whereby I am so happy as in some good Measure to have my Apprehensions, of the Dangers your Post was in, removed: I hope however you will readily excuse a Sollicitude dictated by the sincerest Regard to your Interest and Honor, and the Prosperity and Happiness of my Country. I read from my Place in Congress that Paragraph in your Letter respecting the gallant Talbot, but the reading of His Letter to you was unnecessary as a similar one from Him to Congress had been read. Col. Talbot stands high in the Estimation of Congress. The Difficulty was how to promote him in the way his Talents seem to call for. A Resolution was moved for and carried for granting him a Commission in the Contl. Navy, with Instructions to the Marine Com'ee to furnish him a Vesell as soon as in their Power. In an Hour or two after that Resolution was passed, Providence seemed to provide for Him. Information was recd. that a very fine Copper Bottomed Brigg was carried into Boston by two of the Contl.

two delegates to cast the vote of the state. Although the credentials of Nov. 6, 1777 (*Journals*, Dec. 11, 1777), prescribed that "any one or more of them be empowered to represent and vote in behalf of this state", those of Nov. 6, 1778 (*Journals*, Dec. 5, 1778), and those of Nov. 17, 1779 (*Journals*, Nov. 29, 1779), say "any two or more". Nevertheless the credentials of William Churchill Houston, May 25, 1779 (*Journals*, July 9), read "any one or more". The record of yeas and nays shows, however, that in those instances where only one delegate from New Jersey was present the secretary applied, with one exception, the rule of two. See the *Journals*, July 26, Aug. 26, Sept. 17, 24. The exception (Sept. 17) is probably an error in carrying over the "no". The result was not affected. Connecticut had formerly required not less than two delegates to cast the vote of the state (see the credentials of Oct. 21, 1778, in the *Journals*, Dec. 15, 1778), but the question having been raised Feb. 24, 1779, in an instance wherein the vote of Connecticut's single delegate would have given an affirmative decision, the state adopted the rule of one, Apr. 7 (*Journals*, Apr. 27).

¹³ Laurens gives, in his minute of proceedings Sept. 26 (no. 547, *ante*), the summary results of these two ballots, recording in addition that in the first ballot three states were divided and that in the second ballot one state was divided. In his letter to John Laurens Sept. 27 (no. 552, *ante*) he states that the latter was South Carolina. It is evident therefore that in the first ballot the three divided states were New Jersey, Pennsylvania, and South Carolina, and that in the second ballot New Jersey went over to Jay and Pennsylvania to Adams.

¹⁴ Lovell has recorded here the vote by states as shown in the yeas and nays Sept. 26 (*Journals*, p. 1109).

[555]¹ N. Y. Hist. Soc., Gates Papers, XVI.

Frigates. The Marine Com'ee have ordered that Vessel to be purchased for Col. Talbot, which I hope he will accept of, if she is as described. For at present Congress have it not in their Power to give him a better Vessell. I would not wish to see him in private Service. Money, indeed he may get then, but Honor and Promotion is only to be had where he is, and if he now should quit it, he perhaps quits it forever.² . . .

Monsr. Gerard is not yet gone, but has taken Leave of Congress in a private Audience.³ The New Minister has not yet been recd., nor is the Day appointed. . . .

556. JOHN FELL, DIARY.¹

[September 27, 28, 1779.]

Monday 27th Com'l Committee Congress. Agreed that a Minister Plenipotentiary be appointed for the Court of Spain Mr. Jay was appointed Agreed that a Minister Plenipotentiary be appointed to negotiate a Peace with Great Britain Mr. Adams was Elected.²

Tuesday 28th C. Committee The Congress Elected a New President by Ballot, vizt. Mr. Huntington.³ A Secretary for the Embasey were Put in nomination vizt. Mr. Carmichael per Mr. Searle

P M Marine Committee Dined w'th Jos. Wharton ⁴

557. JAMES LOVELL TO JOHN ADAMS.¹

Confidential

Tuesday 28th of Sepr. [1779.]

Dear Sir

yesterday in Whispers the proposal was made to send J A to Spain, the Baloting for *that* Business being *first* called for. But Connect't and Pensylvania discovered a total abhorrence of the *Consequences* in the *second* balot; therefore the Plan was dropped;² and the balots were

² See the *Journals*, July 30, Aug. 5, 31, Sept. 17, Nov. 30, 1779, Feb. 25, 28, Mar. 1, 1780.

³ See the *Journals*, Sept. 17.

[556]¹ Library of Congress, Journals and Diaries.

² See nos. 547, 548, 552-554, *ante*, and nos. 557, 559, 562, *post*. Gérard's account of these proceedings (see no. 548, note 2, *ante*) is as follows:

"*September 27th*. At length the plenipotentiaries are chosen. Mr. Jay is destined for Spain, and the full powers for peace are confided to Mr. Adams. One vote only was found in favor of Arthur Lee. The choice of Mr. Jay leaves nothing to desire. To much intelligence and the best intentions, he joins a conciliating spirit. As to Mr. Adams, I am not acquainted with him, nor is he known to but a few of the present members of Congress. He has the reputation of an honest man; and the presumption, that he would be agreeable to you, has influenced their opinion."

³ Huntington's first letters as President, written this day, were to Lord Stirling and to Maj. Henry Lee, expressing the thanks of Congress to them as directed in the resolutions of Sept. 24. They are in the President's Letter-Book, p. 191. The original of the former is in N. Y. Pub. Lib., Emmet Coll., no. 8165.

⁴ This last memorandum is in the margin opposite the date of the next entry, but it probably belongs to the record of Sept. 28.

[557]¹ Adams MSS., Boston; Adams's *Works*, IX. 489; Wharton, *Rev. Dipl. Corr.*, III. 345.

² Cf. no. 553, *ante*, and no. 562, *post*.

N Hamp A Lee R Is. Pensyl S'th Car. no vote my Colleagues Connect't N. Yk N Jersey Dickenson Maryld. Virga. N. Car.³ J Jay

For the 2 other Comis'ons J A the only Nomination all the States but one for Doctr. Frankling⁴ if this was not the *Pidler*⁵ it might be the *Oddity*⁶ of Virginia.

Prior to the Choice for Spain I produced your two first Letters as appertaining to the only one point which had ever appeared incontestible against A L *Je crains Mr. Lee et ses entours*. For the Minister disavowing on Feb 13th his having adopted Prejudices such as were attempted to be inspired in America; and proving his Disavowal by an Appeal to his Conduct to you "*ensemble et séparément*" shows either that he meant only *avec ses Entours*, or that he felt convinced he had been drawn into unjust doubts, and intended to show double Confidence in future.

The whole members even Jay praise "my perseverance[""] but he says ["in Friendship to Arthur". Time will show whether it has not been to prevent Congress from an Act of injustice, and to maintain the Sacredness of the *Approbation or Disapprobation* of our united Supremacy; which is what the Servant of Republicks should look up to rather than to *Salaries and Perquisites*, which the Levity of Monarchies makes their Servants *catch while they can*, without striving to deserve them.

I am freed from a Load. For I have long practiced upon David's Rule away with Sackloth and Ashes when evitables become inevitable. J. J. desires me to be true to him "only *while* he continues to do honestly". That I most assuredly will, and to every Name that the public Choice shall fall on. But I cannot forget the past so far as not to think that if S Deane is not stone blind he may *now* see from what Source he got his Fund of Advice towards Measures apparently his own. Carmichael Houston and Mr. Jays brother Livingston *are talked of* as Secretaries to the Embassies. Gerry tells me Dana may be induced to go with you. . . . There seems to be an Infinity of Good Humour in Consequence of the late Elections. I suppose if C———⁷ succeeds on The morrow we shall go on swimming in the smooth Pool of Complacency. The Chance is for him against his present single Competitor.⁸ I am not distressed about the Event tho I think I have seen full Proof of an Instance or two of radical Disingenuity in him.⁹ . . .

³ See nos. 547, 553, *ante*.

⁴ In his letter to Richard Henry Lee (no. 553, *ante*) Lovell says, "all the votes except one for Doctr. Franklin". He means to say that all the votes were for Adams except one, which was for Dr. Franklin. See also Laurens's Notes, Sept. 25-27 (no. 547, *ante*). Gerry indicates (Sept. 29, no. 562, *post*) that this vote was cast by Dickinson, who alone represented his state, Delaware, on the 27th, although McKean had been present the day before.

⁵ John Dickinson. The nickname "Piddler" is derived from a phrase in John Adams's famous letter of July 24, 1775, to James Warren, in which he referred to Dickinson as "a certain great fortune and piddling genius". See vol. II., no. 244.

⁶ Meriwether Smith. See nos. 343, 478, 488, 535, *ante*, and *Letters of Richard Henry Lee*, II. 69, 70.

⁷ Carmichael. Cf. no. 553, *ante*, and no. 568, *post*.

⁸ James Searle was put in nomination (Sept. 28), but his name is erased and noted as "withdrawn". See no. 572, *post*.

⁹ Adams's reply to this letter, Oct. 17, is in *Works*, IX, 499. See also his letter to Lovell Oct. 25, *ibid.*, p. 501.

558. JOHN DICKINSON TO THE GOVERNOR OF DELAWARE
(CAESAR RODNEY).¹

Sir.

I have the pleasure to inform you, that the President of Congress this moment call'd upon me, to inform me, that he has received advice, that the Count D'Estaing with a formidable Fleet has arrived at Georgia, with a very considerable Body of Troops on Board—one of the principal officers landed in South Carolina, held a council of war there, in which the plan of operation was settled, and then returned to the Count—and if no Blunder is committed, the Event will be what we wish it to be.² . . .

Mr. Gerard has taken Leave of Congress, and is expected to sail every day in Frigate, *Confederacy*.³ We have dismiss him with as honourable Testimonial, respecting his public and private Conduct as We could give.

I have been for Some time exceedingly indisposed. I intend soon, if I get better, to make a Trip to Kent, and if the State has any particular Business requiring immediate Dispatch, I should be glad to have advice of it as early as possible. I beg leave to recommend in the most earnest manner the providing every kind of cloathing for our Battalion of brave and worthy officers and men, and also the having our Militia in the most respectable Readiness for action. I speak the sense of Congress on these subjects.

PHILADELPHIA September 28th 1779.

559. HENRY LAURENS TO RICHARD HENRY LEE.¹

PHILADELPHIA, September 28th, 1779.

Dear Sir,

I have not had the pleasure of writing to you since the 14th instant. Yesterday I was honoured with your favour of the 12th and 19th. You have quite mistaken the motive for "committing for consideration"; the motion was made by a very sincere friend of yours; he had entertained hopes of bringing before the House a proper report; a tolerable one was prepared, received, and read, and Monday 12th or 14th, I forget which, "set apart" for considering it in the House; but, although repeatedly called for, its unpleasantness, I apprehend, proved a bar against taking it up. Your friend did not think it quite perfect; he had, therefore, prepared certain amendments, which he would have brought on the book, and I will still endeavour to make the whole appear to public view. You shall be particularly informed in due time.² You will have heard before this day of

[558]¹ *Delaware Archives*, III. 1360.

² Cf. the Rhode Island delegates to Governor Greene Sept. 28, Staples, *R. I. in Cont. Cong.*, p. 251.

³ See no. 572 (note 4), *post*.

[559]¹ R. H. Lee, *Life of R. H. Lee*, II. 236.

² Lee's letters of Sept. 12 and 19 are in *Letters* (ed. Ballagh), II. 149, 150. It is a passage in the first of these to which Laurens alludes. "I have long since ceased", Lee says, "to wonder at any determination of the Conclave, and I shall continue in the same state of mind until I hear that a certain set have quitted, or been removed from that assembly. It would otherwise have been a matter of surprise to me that a body of men representing that kind of government the corner stone of which is virtue, should discover so shameless a partiality as to commit for consideration the insulting memorial of a guilty man, and refuse the same respect to the application of the faithful servants

Count d'Estaing's arrival near Charleston, South Carolina; that operations against the enemy at Beaufort and Savannah, were in hand. I expect every hour to learn some important event in that quarter; probably the first intelligence will be brought by the count himself, who may be daily expected at Sandy Hook or Rhode Island. Our commander in chief is properly authorized to co-operate vigorously with him. The season of the year was much against the forces of our ally to the southward. A few days easterly winds, with autumnal rains, would blast our prospect; but I hope the weather has favoured them.

Enclosed herein you will find a general account of three days' work; it will be an exceedingly painful task to recite by and by the particulars.³ I shall make no comment. I have acted one uniform and consistent part, dictated by conscience for the good of my country, as well as for doing justice to a meritorious individual. My wishes are not accomplished; but, I am nevertheless persuaded the day will come, when that injured individual will receive both justice and honour from his country. By the next post I shall determine whether to leave Philadelphia this winter; and you shall, if I determine to go, be informed precisely the day. At present, time will not permit me to pay that respect to your favours now before me, which is due. I must hasten to the square room, where I often meet many crooked things. I pray God to bless you; and entreat you to be assured that I continue, with sincere respect and esteem,

Dear sir, your obliged and obedient servant,

HENRY LAURENS.

The Hon Richard Henry Lee, Esq.
Virginia.

P. S. We have advices to be relied on, that the second division of Arbuthnot's squadron, seven ships of war, having under convoy transports, containing about four thousand troops, arrived this day seven night at New York. The troops are said to be "wild Irish" and Hessians; the term "wild Irish" is repeated in several letters.

Twelve o'clock. A circumstance has just happened, which renders a transmission of the paper intended to have been enclosed, with certain comments on it, inconsistent with my honour. Therefore I have withdrawn it.⁴

of the public! And not only so, but to compliment guilt with a present of 10500 dollars of the peoples money." Cf. no. 463, *ante*.

Lee was replying to Laurens's letter of Aug. 31 (no. 501, *ante*), in which Laurens states that he himself had made the motion to commit a letter of Arthur Lee, together with the latter's "Vindication", to a special committee, in like manner as he had moved to commit Deane's memorial of Aug. 16 (see the *Journals*, Aug. 19, where, however, the maker of the motion is not recorded). The committee on Deane's memorial made a report Sept. 9, when the following Monday (Sept. 13) was assigned for its consideration. It does not appear that the report was ever afterward taken up. See nos. 517, 518, *ante*, and no. 595, *post*.

³ Presumably Laurens's account of proceedings Sept. 25-27, no. 547, *ante*. The postscript indicates, however, that some incident had occurred touching the injunction of secrecy which caused him to withdraw the paper at the moment of despatching the letter. See Lee's comments on the matter in his reply Oct. 15 (*Letters*, II. 159). Laurens transmitted the document with his letter of Oct. 12 (no. 595, *post*).

⁴ Cf. no. 560, *post*.

560. HENRY LAURENS TO WILLIAM WHIPPLE.¹

PHILADELPHIA 28th Sept. 1779.

Dear Sir,

. . . . Our hopes of hearing in a very few days of the arrival of Count d'Estaing on the Coast of New York or at Rhode Island has induced Congress to countermand the orders given for dispatching the Frigates at Boston to South Carolina,² hence your Commission on the purchase of a Pipe of Wine will be stayed. I must defer that scheme to a future day.

. . . .

Inclosed with this you will find a general history of three days, some of our friends at the Corner House may give you the particulars, which indeed would be a tiresome recapitulation.

Mr. Gerard I suppose will leave us tomorrow but if the Minister for treating with Spain means to accompany him, which I think very probable, he will dole away three or four days at Chester. Our friend Arthur Lee will rise again. God bless you my Dear General. I wish you every happiness and assure you with great sincerity of the Love and Esteem of Your obedient and most humble Servant

HENRY LAURENS

The Honorable William Whipple Esquire.

[P. S.] You will not shew the inclosed paper to any but the faithful.

12 oClock

A circumstance has happened which obliges me in honor to pause before I make the intended transmission—a Gentleman just now brought me his hand in such terms as have softened me to him as a Man to a Man—altho no terms nor terrors could soften or warp me toward any Man connected with measures which appeared to me improper.³

561. SAMUEL HOLTEN TO THE PRESIDENT OF THE MASSACHUSETTS COUNCIL (JEREMIAH POWELL).¹

Sep. 28, 1779

P. S. The disputes between the State of New York and the people stiling themselves the state of Vermont, have arisen to such a height that Congress have been obliged to interpose (to prevent a civil War) and have come into a number of Resolutions, which I suppose will reach you (by express) before this.²

Sept. 29th 1779

The post not setting out yesterday as I expected, gives me an opportunity of adding.

Congress have made choice of the Hon'ble John Adams Esqr. Minis'r plenipotentiary, to negotiate a Peace (he had the votes of eleven states,

[560]¹ Md. Hist. Soc., Gilmer Papers, III. 5.² See the *Journals*, Sept. 20, 22, 26, 27. Cf. nos. 539, 540, *ante*.³ Cf. no. 559, *ante*.[561]¹ Mass. Arch., CCI. 316.² See the *Journals*, Sept. 24; also nos. 544, 545, *ante*, 563, 565, 598, *post*.

there being twelve present) and the Hon'ble president Jay, is appointed Minis'r plenipotentiary to the Court of Spain; And the Hon'ble Mr. Huntington (of Connecticut) is chosen president of Congress.

Yours, *ut supra*,
S. HOLTEN

562. ELBRIDGE GERRY TO JOHN ADAMS.¹

PHILADELPHIA, Sept. 29 1779

My dear Mr Adams

It is with the greatest pleasure, that I inform You of the late Arrangement of our foreign affairs, in which You are appointed to negotiate the Treaties with G Britain and our Friend Mr Dana to be your Secretary. Mr. Jay is to negotiate with Spain, Mr. Carmichael to be his Secretary, and Colo. John Laurens, Son of the late president Laurens, to be Secretary to Doctor Franklin.

I shall not be able at this Time to give You a History of the proceedings of Congress, relative to their foreign Affairs; the Embarrassments Difficulties and Delays attending this Business, in consequence of the Disputes between the late Commissioners, have exceeded every thing of the Kind, which I have before met with: So far have some of their Friends in Congress been influenced by Attachments and Prejudice, as to render it impossible to preserve their Friendship and Confidence, and at the same Time to act with becoming Freedom and Independence.

I flatter myself that You will not hesitate a Moment, at accepting the highest office of Honor and Trust, under the united States, when elected thereto by the Voice of eleven States. indeed it may be called unanimous, as there was only a single Vote for Doctor Franklin, who was not in nomination, and it was said to have been put in by Delaware, at that Time represented by your old Friend Mr. D——n.² great Exertions were made to send You to Spain, and Mr. Jay on the other Embassy, but the Opposition of your Friends produced from the Gentlemen in favour of Mr. Jay, a proposal of Accomodation, in Consequence whereof he was appointed by eight States. The Appointment of Mr. Dana is in my humble opinion of the next Importance, and should he accept it, he may stand Candidate for the next Vacancy in Europe.³

It is almost Time to acknowledge the Receipt of your esteemed favours of the 27th of Novr. 1778, and of the 10th and 11th Instant.⁴ the first is of so early a Date as not to require an answer, and a prudent Use shall be made of the last. Agreeable to your Request in the other, I transmit by the Bearer Mr. the *Journals* of Congress to the present Time, as far as they are printed, those for 1778 are now in the press. With Respect to the Circumstances of your first Appointment, It was in Consequence of a Nomination which I ventured to make, after having endeavoured to dis-

[562]¹ Adams MSS., Boston; Adams's *Works*, IX. 491.

² John Dickinson, see no. 559, notes 4 and 5, *ante*.

³ See the *Journals*, Sept. 26, 27, and nos. 547, 548, 550, 552-554, 556, 557, 559, *ante*; see also no. 635, *post*.

⁴ Adams's letter of Nov. 27, 1778, is in *Life of Gerry*, I. 281, that of Sept. 10 is in Adams's *Works*, IX. 483.

cover your Sentiments on the Subject. I remember You was more reserved than I tho't You Ought to have been, and two of your Collegues then in York Town, to whom I proposed the Matter, objected to it, as not being agreeable to You. When the Nomination was made, if I rightly remember, the one that remained in Congress after You left it, expressed his Doubts on the Occasion, but being determined to try the Experiment, I informed the House that I had communicated to You my Design of Nomination, and that, altho You was very silent on the Affair, I was fully persuaded You would not decline the Duty. this fixed the Matter in the Minds of your Friends. Mr. R. Livingston was nominated by New York, and by recurring to the printed *Journals*, You will find the Voters in your Favour distinguished by Dots, Vol^o 3d page 547.⁵ It is some Time Since this Transaction happened, and I may be mistaken in some points, but I further recollect, that in conferring with You, I mentioned my former Intention of nominating You in the Fall of the Year 1776, and that Mr. R H Lee told me, You had informed him, that You would not accept the Appointment if made which last Circumstance, not being remembered by You, was an additional Argument in my Mind for pushing your Election at York Town.

I conceived myself bound by every principle of Honour, Integrity, and policy, to "vote You clear of Suspicions, etc. dishonorable to the State".⁶ When the Question was proposed for inserting your Name in that Resolution, I opposed it as unjust, And the inclosed Copy of the futile Charge against You, and Evidence to support it, will I think warrant my Conduct. If unjust, then surely it was impolitick, as your future Usefulness would

⁵ The editor of John Adams's *Works* makes the following note:

"Mr. Folsom, representing New Hampshire; Messrs. Gerry, Lovell, and Dana, for Massachusetts; Mr. Ellery, for Rhode Island; Messrs. Dyer, Law, and Williams, for Connecticut; Messrs. Morris, Roberdeau, and Clingan, for Pennsylvania; Messrs. R. H. and F. L. Lee and Harvie, three of four from Virginia. Mr. Laurens's name is marked, but at the foot of the page is the following:

"'N. B. South Carolina did not vote on the above occasion, but was represented by Mr. Laurens.'

"Mr. Duane and Mr. Duer, representing New York; Messrs. Smith and Rumsey for Maryland; Messrs. Penn and Harnett, for North Carolina; Mr. Jones, of Virginia, and Mr. Langworthy, of Georgia, appear to have voted in the minority."

The vote, which took place Nov. 28, 1777, is not recorded in the *Journals*, but Gerry here indicates it (apparently from memory) by using the names in a record of yeas and nays of that day taken on another question (see the *Journals*, vol. IX., p. 980). According to a memorandum of Henry Laurens, nominations for the French mission were made Nov. 21, 1777. See the *Journals* under that date (Library of Congress edition, IX. 947, note 1); also these *Letters*, vol. II., no. 769, note 8. The names mentioned in this memorandum are Dana, Wilson, Lafayette, Richard Henry Lee, John Adams, and Joseph Reed. The names of Lafayette and Richard Henry Lee are however erased. In Lee's letter to Samuel Adams Nov. 23, 1777 (*ibid.*, no. 753), he does not mention Livingston as among the nominees, but Lovell does mention him in his letter to John Adams Dec. 8, 1777 (*ibid.*, no. 769). It is Lovell to whom Gerry alludes as "the one that remained in Congress after You left it".

⁶ In his letter to Gerry Sept. 10 (see note 4, above) Adams says: "Thank you for voting me clear of suspicion, etc. dishonorable to the States. I have a bone to pick with Adams and Lovell for their votes on that occasion." For the charges against Adams see the *Journals*, Mar. 24 (p. 368); cf. *ibid.*, Apr. 15. The vote referred to is probably that of Apr. 20 (p. 484). For Lovell's explanation of his vote see his letter to John Adams June 13 (no. 344, *ante*).

have been destroyed for a Time, at least. I conceived it so, and was therefore bound in Honor not to sport with your Character. I mean not however to thro' a Reflection on the Conduct of Gentlemen of a different Opinion. they probably had a different View of the Subject, and may be highly commendable for a Measure which it would have been criminal in me to have adopted. While I am on this Subject, give me leave to observe, that your Letter to Congress, desiring a Copy of the Charges against You was yesterday read, on which I moved the House to comply with your Request; but It was objected to from several Quarters as an improper Measure, since the House had almost unanimously, by your late Appointment rejected the Charge, and had in the first Instance Cleared You of the animosities subsisting among the other Commissioners. it was also said, that the Admission of Weight in the Charge, was dishonorable to the House, which, in that Case would have been in Duty bound to postpone your Appointment, untill You were acquitted of the Charge. the Objections were agreeable to my Mind and I withdrew the Motion, at the same Time informing the House, that I should furnish You with the papers requested.⁷

Upon the Whole, I am of Opinion, that in the Esteem of Congress, your Character is as high as any gentleman's in America. *that* as much is obtained in the Arrangement and Determinations of our foreign affairs as could be expected, *that* if Matters had been driven further, We should have been more deeply involved in Animosities and Dissentions, and have put a total Stop to our foreign Negotiations, *that* in Consequence thereof, we must, on the Return of Mon'r Gerard, have sunk in the Esteem of our Ally, of the Court of Spain, and of all Europe, *that* Doctor Franklin ought to be recalled, *that* however some late Measures may not be equal to our Wishes, it becomes our indispensable Duty to support them with Vigour, and to listen no more to Insinuations without Evidence to support them, *that* an able, upright, firm Friend to America, is greatly Injured in Doctor Lee, as well by the Impolicy of some of his Friends,⁸ as by the undeserved Reproach of his Enemies, *but that* his Usefulness being destroyed, had it been practicable to have continued him in office, he could not have served with Satisfaction to himself, or Advantage to the public. I have been well informed that Hints have been thrown out here, relative to my Votes for recalling Doctor Lee, which I do not relish; I have however suppressed my Feelings, because it is extremely injurious to the publick Interest, to have their Servants involved in Disputes with each other. I shall return pre-

⁷ Adams's letter to the President of Congress asking for a copy of the charges against him is dated Sept. 10, and is in Wharton, *Rev. Dipl. Corr.*, III. 313. According to the *Journals*, it was read Sept. 29, but the proceedings on it are not recorded.

⁸ Gerry elucidates this statement by the following note:

"I am informed, and I think from the best Authority, that a Resignation of Mr. Lee's, conceived in Terms that would do Honor to any man on Earth, has been in the Hands of a Friend of his in Congress, and suppressed two months, by which Means he has been prevented from avoiding a supersedure."

Concerning Lovell's action in the matter, see nos. 450, 458, 478, 496, 533, 535, 536, 553, 554, *ante*, and no. 599, *post*.

pared to justify my Conduct in every point, and should any Attempts be made to misrepresent it, I shall be under the necessity of shewing, that it has been ever directed in Congress by disinterested publick Motives; that it has been always free from Views, of extending my personal Interest *or Influence*, or of supporting *private Attachments*; and I think I can answer for the policy of the measures which I have adopted. perhaps You may think this deviating from Delicacy, but conscious of the Rectitude of my Intentions, I cannot bear the Breath of Reflection. I voted for the Recall of all the Commissioners included in the Resolution of the 20th of April last, as an indispensable Obligation arising from the Resolution itself, and also, as a preliminary Measure for fully enquiring into the Conduct of those Gentlemen, that the Character of each may be fairly known, and represented to the publick. the States divided on Doctor Lee and he was continued in Office, contrary in my Opinion to every principle of Government, where a Majority is to rule. this happened by the Mode in which the Question was put, "shall he be recalled", instead of "shall he be continued". in the latter Case a Division would have lost the Question, and he would have been recalled, which the States who were against him being apprised of, conceived the Matter as it stood, both unreasonable and unfair.⁹ after Congress had finished their Instructions, relative to Negotiations, a question arose, Who should execute them? Reference being then made to a Resolution of the 15th of April last, "that Ministers plenipotentiary for these States are only necessary for the present, at the Courts of Versailles and Madrid", a Motion was made, "That a Minister plenipotentiary in lieu of a Commissioner be appointed to negotiate a Treaty of Alliance, and Amity and Commerce, between the united States of America, and his catholic Majesty", and the Question was carried as follows, six ayes, one no, and four divided. Massachusetts was amongst the latter, Mr. Holten and myself, aye, Mr. Lovell and Mr. Partridge, no. I tho't it necessary to agree to this proposition, as it was consonant to the Resolution of the 15th of April; as it would give the States a fair Oppertunity of electing their Ministers and thereby of correcting the Error Mentioned, as a Decision of the Question in the Negative would have postponed a Negotiation with Spain, and for some Reasons beforementioned, and others with which I shall not trouble You. to convince You of the Necessity of this last Measure, I need only inform You, that before the Resolution was proposed, Congress endeavoured to appoint a Minister to negotiate the peace, and failed in the Attempt, there being six States for Yourself, five for Mr. Jay, and one divided. Those who were for Mr. Jay then declared, they would never alter their Votes, unless they had a fair Oppertunity of electing a Minister for Spain, and accomodating Matters to the Sense of a Majority of the States, which was prevented by the Failure of a Vote of the States when divided.¹⁰

One Word with respect to your Instructions. pray give me your Opinion on the Boundaries of Massachusetts Bay, and if any thing is amiss,

⁹ See the *Journals*, May 3, June 8, 10.

¹⁰ See the *Journals*, Sept. 27, 28. Cf. nos. 553, 554, 557, *ante*.

Mr. Samuel Adams, if he thinks it expedient, may inform the State thereof, that they may give Directions for having it rectified in Congress

Cannot You attend to the Settlement of the Vermont affair on the first of Feby. next, agreeable to certain Resolutions sent to Massachusetts, which by her Delegates has claimed a Right to the Jurisdiction of those Lands.

I should not have troubled You with such a Volume of small politics, did I not conceive it impracticable to weary the patience of a great politician. My best Respects to Portia, her Irony is by sovereign power, turned into Fact. I wish that our Friend General Warren may peruse this Letter, and no other person at present, as it may otherwise be the Cause of my commencing Disputes, which I wish to avoid. Brother Dana may correct my Information relative to your first Election. adieu my dear friend with Assurance of Sincerity in your very humbl. sert.,

E GERRY

His Excellency John Adams Esqr.

Is not Caution necessary in sending Letters or papers, which on certain Occasions ought not to be communicated? It sometimes happens that one Friend is nearly sacrificed to support another. I was on a Committee which reported £3000 ster per year for each of the Ministers and £1000 ster per annum for each of their Secretaries, the Salary to begin and end as prescribed by a former Resolution relative to the Commissioners; but I expect a Reduction of the first Sum will be made by some of our patriots. I am in Favour of £2500 sterling for the first and half that Sum for the Secretaries ¹¹

563. JAMES LOVELL TO SAMUEL ADAMS.¹

PHILAD'A Sepr. 29th 1779

Dear Sir

. . . . Both New York and Vermont drove so hard at each other that we were obliged to take up the matter, but not without the request of both and a Promise to submit to our Decision. Jay pushed that because two Parties had consented to leave their *whole* dispute to us, we shld. *oblidge* others to do the same. But I hope our State will never let Congress be a Tribunal to decide Bounds and Right of Soil. I think we have got so far without committing Enormities, *in that Case*.²

564. JAMES LOVELL TO ARTHUR LEE.¹

[September 29?, 1779.]

Sir

I have lately heard what it is interesting to you to be apprized of.

It is Said that Congress, having determined to appoint a *Minister Plenipotentiary* in Lieu of a *Commissioner* for the Court of Spain, did on the

¹¹ See the *Journals*, Sept. 28, 29, Oct. 1, 4. Cf. nos. 577, 579, *post*.

[563]¹ N. Y. Pub. Lib., Samuel Adams Papers.

² See nos. 544, 545, 561, *ante*, 565, 598, *post*.

[564]¹ Harvard Univ. Lib., Lee MSS., VI. 115.

27 of Sept. appoint J Jay who was in Nomination with you and one other : That on the 29th Mr. Carmichael was chosen his Secretary : That Silas Deane has been arrested in yr. name.

A Friend to your Merriits.²

565. JOHN JAY TO THE GOVERNOR OF NEW YORK (GEORGE CLINTON).¹

PH'A 29 Sept. 1779.

Dear Sir,

I have so many things to say, and so little Time for the Purpose, that I hardly know where to begin or conclude. The Inconveniences resulting from the Derangement of our Foreign affairs are at length removed. Doctr. Franklin with young Col. Laurens are to remain in France, Mr. J. Adams, with Mr. Dana for his Secretary is to negotiate a Peace with Britain, and Congress have been pleased to appoint me with Mr. Carmichael, for my Secretary, to negotiate Treaties of alliance amity and Commerce with Spain. All this was done with most uncommon unanimity and Concord. The Importance of the object and a Conviction that my Brother would under such Circumstances readily supply my absence from the Family, enduced me to accept the appointment and I shall sail for France with Mr. Gerard.

Mr. Huntington of Connecticut is now President of Congress, and I am persuaded will fill that office with Propriety. The sooner you provide for a Representation of your State here the better. God grant it may be an able one.

The Resolutions respecting Vermont if prudently managed will establish perpetual Harmony between you and your neighbours. I am confident of this. Temper and firmness will be indispensable. Let us not differ with them about Trifles, or by unnecessary Heats retard a Settlement satisfactory to all. It gives me Pleasure to assure you that the State stands high in the Esteem of the Confederacy, and a Continuation of the same means by which it was obtain'd will be necessary to perpetuate it. At this Season it is particularly expedient that your Delegates should be wise and prudent men. You will then find it easy to settle your Disputes advantageously.

I sincerely wish that the Chancellor and Mr. Hobart may be sent here, as you know their Characters; you will be at no Loss to perceive my Reasons for it. Mr. Duane will be a useful man, but in my opinion, his attention should be confined to general objects, and ought by no means to interfere respecting the Vermont and New England Business, further than as a private, out of Door Counsellor Morris will be serviceable. His abilities enable him to promote every Cause he may advocate, but if I may be permitted to advise, he should restrain himself from taking any Part or pushing any measure respecting your Disputes, without previous Concert with Livingston and Hobart. If this Plan be persued I have not the least Doubt of Success. I found it the most delicate affair to manage I ever was

² The letter is undated and unsigned, but it is in the writing of James Lovell.
[565]¹ *Clinton Papers*, V. 288.

concerned in, and whoever it may be committed to, will soon concur with me in this Sentiment. It is of such great importance to the State that no means however inconvenient, ought to be omitted to bring it to a happy Termination.² Some members of Congress have just come in to do Business with me. Coll. Livingston will set off directly. I must, therefore, reluctantly conclude this Letter with assuring you that I am, your obt. and affect. Servt.

566. JOHN JAY TO ROBERT R. LIVINGSTON AND GOUVERNEUR MORRIS.¹

PHILADELPHIA 29th Sept. 1779.

My Dear Friends,

I address this letter to you both because I have not time by this opportunity to write to each separately. In a few days I shall write you both particularly. Mr. Gerards being about to sail happily prevailed upon Congress to proceed rapidly and unanimously in arranging their foreign affairs. Young Coll. Laurens is going secretary to Doctr Franklin, and had the general approbation of Congress for that office. Mr. Adams is appointed to manage the business of pacification with Britain and Mr. Dana has been chosen his secretary. I am going to Spain to treat with that Court on the subject of alliance amity Commerce, etc. and Mr. Carmichael is my secretary. On all these matters I wish to write particularly because the knowledge of them will be useful especially to Morris. I exceedingly regret his not being sent to Europe where his abilities would have done honor as well as service to his country. But it seems that period has not yet arrived, and Congress must for some time longer remain his field. I shall write a long letter to the Governor, on the subject of the delegation from New-York and the settlement of our New-England and Vermont disputes, which are now in a good train, and if prudently managed must terminate to our satisfaction.² Of this I am certain in my opinion Duane Hobart and yourselves ought to be sent. The first is well acquainted with the minutie of the Controversy and his information from time to time on the different points that may be the subject of investigation will be useful. Hobart is very agreeable to the people of New-England and this circumstance independent of his other qualifications, invite attention. Your man-

² See nos. 544, 545, 561, *ante*, and no. 598, *post*. In his reply, Oct. 5 (*Clinton Papers*, V. 309), Clinton remarks:

"I am sensible it is of the utmost Importance to have a wise Representation in Congress, but tho all appear to agree in this the Election to that Office will frequently be governed more by personal prejudice than the public Good. The Members elected for the present year are, yourself, Messrs. Duane, Floyd, Scott and l'Homedieu. The latter and Mr. G. Morris on casting up the Votes had an equal Number, but on the ballot of both Houses it went in Favour of Mr. l'Homedieu by one or two Votes. The imprudence of some of Mr. Morris's friends in voting, occasioned the loss of his Election; however I am inclined to believe that he will be appointed [to] fill up the Vacancy which will [be] occasioned by your Absence, and should this be the Case he must not decline serving, as his refusal woud not only Injure his own Interest but that of his best Friends." The vacancy was, however, filled by the election of Schuyler. See the credentials in the *Journals*, Nov. 16, 20. *Cf.* no. 495, *ante*, and nos. 566, 587, *post*.

[566]¹ N. Y. Pub. Lib., Bancroft Coll., Livingston Papers, II. 199 (copy).

² See no. 565, *ante*.

ners abilities and address will give New-York great advantage in contested matters, and if Morris governs his imagination will conciliate friends.³

567. NATHANIEL PEABODY TO JOSIAH BARTLETT.¹

Mr. Peabody's Complements to the Hon'le Mr. Bartlett, and beg leave to inclose a paper, and Some Copies of Genl. Burgoyne Private letters. the Post did not arrive here till ten Clock last even'g is now Going off. Mr. Peabody is happy to inform that, Count D Estaing is Now on our Coast with 21 Ships of the line 6 frigates and 6,000 land forces, to Cooperate with the American Arms the remainder of this Campaign, at the direction of the french minister here—in Consequence of which the necessary orders are Sent to Genl. Washington with ample Power the Strength of the french fleet and army is to be kept a Secret as well as the intended operations. the States will be addressed to lend Such aid as the Ge'l may request. 180 Hessian prisoners arrived at Philad. the 26 Wednesday morn'g 29th Sept. 79²

³ With the election of Huntington as President, Jay appears to have ceased attendance in Congress. His account for attendance, apparently not rendered until 1785 (N. Y. Pub. Lib., Emmet Coll., no. 689), is as follows:

"State of New York	
"To John Jay	Dr.
"To my allowance as one of the Delegates from the 7th December 1778 the day I first attended in Congress to the 28 Sept. 1779 the day I ceased to attend Congress is 296 days at 34/ Specie per day agreeable to an act of the Legislature passed the 1st July 1781 Page 205.....	£503.4
"To 6 days allowed for going and 6 days for returning is 12 days 34/	20.8
	<hr/> 523.12
"Credit	
"1778 Nov. 10 By Cash of Mr. Bancker Treas'r of the State of N York £400 Contl. the exchange where the money was expended at 6 for one is specie	£66.13.4
"1779 Sept. 15 By Cash recd. out of the Contine'l Treasury £1200 Contl. at 24 for one.....	50.0
	<hr/> 116.13.4
"Ball.	£406.18.8."

This passed the auditor's office Jan. 14, 1785, and was receipted for by Jay on the same day.

[567]¹ Dartmouth College Lib., Bartlett Corr., vol. II. ("No. 9").

² Peabody wrote to Whipple the same day. That letter has not been found, but Whipple's reply (Haverford College, Roberts Coll., 722), written from Portsmouth Oct. 18, is in part as follows:

"My Dear Sir, Your favor of the 29th Sept. came to hand before I left Boston, but time not permitting me to acknowledge the receipt of it per last post, I take the earliest opportunity after my arrival here to thank you for the information it contains.

"Surprising events it seems have taken place since I left you—the causes you leave me to conjecture, 'tho you flatter me with hopes of something more particular hereafter. I hope my curiosity will be satisfied per next post for I assure you it is much raised, were it not for the trouble it w'd give you I should ask for a particular History of a few days subsequent to the 25th Sept. I am puzzled to find out from whom the 8 Votes

568. JOHN FELL, DIARY.¹

Wednesday 29th C. C.² Congress. After the dispatches, Reports from the Board of War and Treasury were finishd then Balloted for a Secretary For Mr. Jay, when the Votes for Mr. Carmichael were unanimous Candidates for Mr. Adams Secretary were Mr. John Trumbull Mr. Jonathan Trumbull and Mr. Dana. first Ballot John Trumbull had 4 Votes Mr. Dana 6. second Ballot Mr. Dana 11 he was Elected.

For Secretary to Dr. Franklin the Candidates Mr. Skull and Mr. Laurens. Mr. Laurens had Eleven Votes and was Elected. A Commissioner to Examine the Accts. in France was appointed, the Candidates were Mr. Edm'd Jennings, Mr. Laboushire,³ and Mr. Joshua Johnson

first Ballot ... 1 3 6
second do. 4 7

Mr. Johnson was Ellected.⁴ A Report was brought in from the Committee to allow the Minister Plenipotentiary £3000 Sterl'g per annum and the Secretary £1000 Sterl'g per Do. Postponed

would come. I could not possibly suppose so large a proportion would be lost to every sence of Honour and justice. however, I am sure the character that the Malevolence of some People are endeavoring to destroy will rise superior to all his Enemies the other Vote is not so much to be wondered at, for in days not more corrupt than the present even the presence of the Deity did not keep a greater proportion than Eleven out of twelve in the paths of Virtue, but is there not some mischief still lurking behind the curtain, why should one Person be called Minister Plenipotentiary and the other whose Business is of much greater importance have the title of Commissioner only? I must defer saying anything more to you on this subject till I have a more particular acct. of things.

"I can give you no account of what is doing here till I have time to look round me but I very much fear the cursed regulating schemes will do infinite mischief, it seems all the sea port towns this way are starving in the midst of plenty."

[568]¹ Library of Congress, Journals and Diaries.

² Commercial Committee.

³ The resolution to appoint a person to examine the accounts of the commissioners in Europe was adopted Aug. 6 (see no. 463, *ante*, where Laurens indicates his opposition to the measure), and the nominations were made Sept. 28. The Mr. Labouchere nominated by Laurens was doubtless one of the Huguenot family of Labouchere long settled in Holland, and at this time connected with the banking house of Hope and Company of Amsterdam. Peter Caesar Labouchere, who presently settled in England and married (1796) the daughter of Sir Francis Baring, and whose son Henry was created Baron Taunton in 1859, was probably too young in 1779 to have been considered by Laurens for this appointment.

⁴ Richard Henry Lee wrote to Laurens Aug. 21: "The appointment of a person to settle the accounts in france may be a wise or a wicked measure as happens to be the person appointed for the purpose. Send a man from here invested with proper powers, and let him be skilful in business, firm, and of unimpeachable integrity—in no manner whatever concerned with any of the parties having accounts to settle. After all, I will suppose Deane in France or Holland and refusing to settle, where is the coercion? Observe if attempts are not made to have a Mr. Johnson Merchant in Nantes to settle these accounts. The very circumstance of his having been already proposed by Deane for this purpose is an argument why he ought not. . . .

"Mr. Deanes friendship for Mr. Johnson of Nantes is evident from the former having proposed the latter either for a consul, or for settling accounts, or both: which may be seen in some of the papers on the files of Congress." In his "Narrative" Deane had suggested Johnson for a consulship (N. Y. Hist. Soc., *Collections: Deane Papers*, III. 201). See nos. 572, 607, *post*.

Thursday Sepr. 30th 1779 Commercial Committee Congress. A number of Letters Memorials etc. were read P M Marine Committee Capt. Read^s appointed to the Frigate *Bourbon*.

569. JAMES LOVELL TO HORATIO GATES.¹

Confidential

PHILA. Sepr. 30th 1779

Dear General

Your favor of the 26th has reached me w'th 3 inclosed. Arthur Lee is sacrificed. John Jay goes to Spain with Carmichael for Secretary. John Adams is to Negotiate Peace and Alliance with England, Dana is chosen his Secretary, and Col. John Laurence is chosen Sec'y to Franklin at Versailles.² 3 of the 5 carry no ill Look. I was nominated for Versailles as Sec'y and am sure that my Resolution is wanted there to disperse the fascinating crew of Stock Jobbers who live upon the Secrets of our Minister.³ But having from seven Months Conviction in an Heel-tripping Contest seen the Necessity of pushing a Vote that "no Member while acting here or for nine months after shd. be chosen into Office",⁴ I could not consent, tho the vote fell, to stand in Nomination, where the whole Run of this Business wears the Face of shuffling and cutting in a Closet by ourselves for "*who shall be in*"? Some of us look as calm as if we were sure we had *laid the Devil*. Others look as much relieved as David was when he became *certain* that the little Innocent was beyond hope, *dead*.⁵ . . .

570. CYRUS GRIFFIN TO BENJAMIN FRANKLIN.¹

PHILADELPHIA September 1779.

Sir

I do myself the honor to enclose a packet of letters which being carried by your servant to the place directed will greatly oblige me. We thank you for the trouble of attesting a Bond executed by the late Earl of Traquair. (This Letter will be conveyed by Mon. Gerard, a most valuable and most amiable man indeed! and who has given all the satisfaction possible in his public and private Character.) no doubt you were astonished how any part of Congress should wish that all the Commissioners might be recalled to Philadelphia: it was for the purpose of explaining those unhappy dissensions and animosities which have arisen among them; and tho yourself would have left Europe at a most critical period, yet returning to France

⁵ Capt. Thomas Read, previously in command of the brigantine *Baltimore*. See the marine committee to the commissioners of the navy board of the Eastern department Oct. 12, and to Captain Read Oct. 21 (*Out-Letters*, II. 121, 123).

[569]¹ N. Y. Hist. Soc., Gates Papers, XVI. Addressed: "Hon'ble Major General Gates Hd. Quarters Providence By Mr. Brewer who may deliver it to any Express on the Road if going directly to Providence otherwise let it go by Boston."

² See the *Journals*, Sept. 25 to 29, and nos. 547, 548, 550, 552-554, 556, 557, 559, 562, *ante*, and no. 572, *post*.

³ Cf. nos. 581, 684, 685, 688, 695, *post*.

⁴ Mathews's "self-denying resolution". See the *Journals*, Sept. 25, and nos. 543, 552, 554, *ante*.

⁵ II. Samuel 12: 15-23.

[570]¹ American Philosophical Society, Franklin Papers, vol. XV., no. 231 ("copy").

with accumulated honors after receiving the blessings of America and convincing Congress in what path to walk upon this unhappy and most disgraceful business, perhaps the whole matter impartially considered the united States would have found great benefit if such a plan had taken place.

The French are a gay people and *entertain* a good deal; I am afraid Mon. Gerard has thought the Delegates in Congress were rather deficient in that respect; but really the expence of every article is so very enormous, and the allowance from the different states so very trifling, that a person of a handsome *American* fortune could not entertain frequently without absolute ruin in the period of two or three years—and especially since some of the states think it best for their Delegates to live in separate houses. In the course of conversation you would do some of us a singular favor to hint this matter to Mon. Gerard since it has the appearance of not paying proper Civilities to a man of his worth and elevated station.

I have the honor to be, Sir,

Your most obedient sert.

C. GRIFFIN

571. JAMES MERCER TO THE SPEAKER OF THE VIRGINIA HOUSE OF DELEGATES (BENJAMIN HARRISON).¹

PHILADELPHIA, Oct. 1st, 1779.

Hon'ble Sir

The singular Honour done me by the General Assembly, by their appointment to Congress at a time when Matters of Importance were said to be before them, induced my acceptance, in hopes that Integrity and Diligence might render some Service to my Country. But the experience I have already had, convinces me that a still greater change must hapen in Men and Measures, to make it either Hon'ble or Safe to continue in Congress. I must therefore beg leave to decline the appointment for the year ensuing after the first day of November next. As a Friend to a Congress I think it my Duty to recommend it to the General Assembly of Virginia to reduce the number of Delegates to three, let these be Men of *Integrity* and *Diligence*, and abilities too if to be had. The Idea of Rotation is totally improper, as a member must be here near a month before he can be acquainted with the business on Hand and Rules of Congress, and if he is to be allowed to go home every quarter upon the plan of the present Act, he must ever remain a stranger to the business and an useles member, and when more than three members do attend you may rest assured that a great deal of time is wasted in needless debate. moreover the example of Virginia may influence other States and thereby occasion the recall of certain old Members who had been too long here already. as this is intended for the General Assembly and not for the

[571]¹ Copied from the original, then in possession of Mr. Stan. V. Henkels.

Gallery, I hope it will not be read in public. I have the Honour to be,
Hon'ble Sir

Your most respectfull and very hu'ble Servt.

JS. MERCER.²

572. JAMES LOVELL TO JOHN ADAMS.¹

The Resolve of the 26th of Sepr. for appointing a *Minister plenipotentiary* for Spain was reconsidered on the 27th and the words *in lieu of a Commissioner* were added, by the Urgency of Brother Gerry least our State should appear to be against an Alliance with Spain, on this Mass: was div'd and S'th Carolina all the rest stood as the day before.

On the 28th order for Tomorrow for appointing Secretaries and a Person to examine accounts in Europe agreeable to the Resolve of Augst. 6th.

The Nominations you know except in the last Case Mr. Joshua Johnston Brother to Govr. Johnston of Maryland.²

A Com'tee to draught a Commiss'n for Spain and Commiss'ns for the Secretaries.

Another Com'tee to report Salaries Mathews Gerry Root

Carmichael for Spain. Mr. Searles name being previously withdrawn. I wish therefore you would blot it from my former letter as it is blotted from our Journals.³

Mr. Dana for Peace.

Col. John Laurens for France

Mr. Joshua Johnstone for Accounts

Com'tee reported Salaries

Oct. 1

Report of the Com'tee recommitted upon my Suggestions as to *unde derivetur*.

Your Return in the Frigate which brought you must be more agreeable than even one of ours with a new set of Faces. If Dana does not consent, the answer should be immediate. For though I do not think the Door for your Business is yet opening, the Delay of the Frigate is to be considered, notwithstanding Mr. G[érar]d has kept ours more than two Months.⁴

² Mercer had served in Congress only three weeeeks, and in accordance with the determination expressed in this letter he retired at the end of October. He had been overcome with disgust even more quickly than had his colleague, Cyrus Griffin, a year before. Probably if he had remained longer he would have acquired a taste for congressional politics, even as did many of those who had preceded him and others who came after him, not a few of whom, however, in their fondness for political manoeuvre, too often lost sight of the fundamental issues.

If Mercer thought three delegates sufficient and five too many, as a matter of fact, at the moment this letter was written only three were in attendance; for Meriwether Smith and William Fleming had obtained leave of absence three days before (Sept. 28), and the retirement of Mercer and Fitzhugh at the end of October left Virginia with only one delegate in Congress, Cyrus Griffin; and this deficiency continued until the coming of James Madison the following March.

Meriwether Smith's account for attendance in 1778 and 1779 (Va. State Lib., Exec. Papers), which does not appear to have been adjusted until some two years later, is an instructive document, but it is too long and too complicated to be inserted here.

[572]¹ Adams MSS., Boston.

² See no. 568, *ante*.

³ See no. 557, *ante*.

⁴ See nos. 488 (note 3), 535, 546, 558, *ante*, 595, 606, 609, *post*.

I wish heartily I could render you such Service as I think Dana can. It is tripping no Man to become *your Secy.* though in a former Case I should have been charged with putting my foot against the *faithful* Bancroft.

Pray miss no possible Chance to inform A L. of what has happened. It may reach him before an Authenticated account by Mr. Jay; and be a warning to take his measures. I was [wish] him immediately here to see to his Suit which was commenced 3 or 4 days ago. He can have no Accounts to cause Delay. And as he has Power to borrow Money; he cannot be obliged to apply to F[ranklin] I will suggest the Thought of empowering you to make sure of a Loan if possible. I am persuaded the English would many of them seize the Opportunity of serving us and themselves all under one.

You will have a decent Commission *this Time*. I wish I could see your old one; as do the Secretary and Mr. Laurens between whom there have been formal Proceedings *in doors* respecting some Indecencies of the former.⁵

your affect'te

J. L.

[Memorandum:] Mr. Lovell Octr. 1, 1779.

573. JOHN FELL, DIARY.¹

[October 1, 2, 1779.]

Friday October 1st Com'l Committee Congress. Several Letters etc. Read. Genl. Arnolds Accts. of his Expences for 9 Mo. extravagant indeed Committed to 5 vizt.² Moved for the thanks of the House to be given our late President Mr. Jay. agreed.

Saturday Octr. 2d. Com. Committee Congress After reading the Journals went into the order of the day which was for the house to goe in to a Committee of the whole house on Finance.

574. HENRY LAURENS TO JOHN LAURENS.¹

PHILADELPHIA 2d October 1779

My Dear Son,

. . . . You were put in Nomination in Congress by the Hon'ble Mr. Gerry the 27th Ulto. for the Office of Secretary to the Minister Plene-

⁵ Concerning the Laurens-Thomson affair, see nos. 504, 510, *ante*. One of Laurens's complaints against Thomson was that the latter had refused to prepare a more decent and correct copy of Adams's commission. Replying to Lovell Oct. 25 (*Works*, IX. 503), Adams says: "I do not know what indecencies you mean in my commission. I have looked it up, and have it before me. It is on a large sheet of paper, written very well, all in the handwriting of our much respected secretary, signed by President Laurens, sealed with his seal, and attested by the secretary. It is not upon vellum, nor parchment, it is true, and the paper is not of the best, but I believe as good as any we had at that time. Upon the whole, I think it a very decent, respectable and honorable commission. It was treated with great respect at Versailles, and I see no reason to object to it. Pray let me know what the question is about it."

[573]¹ Library of Congress, Journals and Diaries.

² The names were not entered. They were Laurens, Mercer, Peabody, Holten, and Paca.

[574]¹ S. C. Hist. Soc., John Laurens Papers.

potentiary at the Court of Versailles and were on the 28th Unanimously elected by eleven or twelve States²—the Salary not fixed—£1000 St Recommended in a Report. I shall oppose every thing above £700, but from what fund or funds is even that Sum to be paid? I know not.³ the appointment is honorable to you in every appearance and will put you in a road leading to the Service of your Country. I know you are equal to the task, nor could I forbear my testimony; it was due to a meritorious fellow Citizen, but I could not engage for your acceptance, therefore you are by no means bound by any promise or even seeming promise on my part. I shall be glad to converse with you before you finally determine aye or no. You may, if you please, receive from me an honest and faithful and I believe accurate State of our affairs foreign and domestic. No attempts will be made on my part to induce or dissuade. you will be left by me to judge for your self. I need say no more but that I long to embrace you.

I pray God to direct you in all things and I commend you to his protection.

HENRY LAURENS

. . . . 5th October. This address remaining on my Table unsealed gives me an opportunity to add, the Salaries of the Ministers Plenipotentiary are £2500 St^lg per Ann. each—of their respective Secretaries £1000—in full of all expences etc. my protest against both stands on the Book No!—Men who are sincerely devoted to the service of their Country will not accept of Salaries which will tend to distress it.⁴

575. HENRY LAURENS TO JOHN ADAMS.¹

PHILADELPHIA, 4 October, 1779.

The receipt and perusal of your favor of the 10th ultimo afforded me a very high satisfaction. The answer with which you honored my letter of May, 1778, has not yet reached me.

From the earliest intelligence of your return to America, I felt a strong disposition to wait on you with a line or two of sincere congratulation on your happy return to your family and American friends; but there were certain irresistible pull-backs to the intended operation. I am not addicted to commonplace ceremony, and I perceived it extremely difficult to compose a palatable address of blended gratulation and condolence to an exauctorated fellowcitizen, who had deserved well of his country, and who, at the same time, stood in the most awkward situation that an honest, susceptible mind can be reduced to. Sent, without his own desire, and probably inconsistently with his interest and inclination, on

² According to the *Journals*, the motion and election were on Sept. 28 and 29, respectively. In a letter of Dec. 6, read in Congress Dec. 10, Laurens declined the office.

³ See the postscript of Oct. 5, below.

⁴ See the *Journals*, Oct. 4. In the Library of Congress ("U. S. R.") is a statement of the account of Henry Laurens with the United States for the year October, 1778, to September, 1779, which was rendered about this time. He had drawn 40 pounds of bacon, 20 pounds of soap, 2½ bushels of salt, and 44 gallons of spirits. The statement is inscribed, "Commissioner's Office, Philada. September 1779 Errors Excepted".

[575]¹ Adams, *Works*, IX. 496.

an embassy beyond the Atlantic, kept unemployed and in the course of a few months virtually dismissed, without censure or applause, and without the least intimation when or in what manner he was to return and report his proceedings; from these and other considerations I found myself constrained to wait future events. These, though a little clumsily brought forth, have happened as I wished; and now, my dear Sir, I not only congratulate you on a safe return, but I have another opportunity of rejoicing with my countrymen on the judicious choice which Congress have made in their late election of a minister plenipotentiary to treat—in *due time*, be it understood—with his Britannic Majesty on peace and commerce. The determination of Congress in this instance will be grateful to the people of these States, and may expiate the queernesses of some of the queerest fellows that ever were invested with rays of sovereignty. Let me entreat you, Sir, for my country's sake, to accept the appointment without hesitation or retrospection; you know "whereof we are made".² Wisdom and patriotism forbid exceptions on account of past circumstances. I speak in pure truth and sincerity, and will not risk offence by uttering a word respecting your fitness, or peculiar or exclusive fitness for the important office; but I will venture to add, it is necessary you should accept and stand ready to execute it. Your determination to do so will make the true friends of American independence happy, and will abate their apprehensions from incompetency or negligence in other quarters. Not that I believe you will be directly the object of negotiation; the pride of our haughty enemy will lead him to manoeuvre by mediation, and my ideas teach me to suppose you are for some time to remain behind the curtain; but the moment cannot be far distant, according to present appearances, when you will step on the stage, and act a part productive of substantial good to your country, of honorable fame to yourself and to your posterity. My prayers and good wishes for your success will be accompanied by the utmost exertions of my feeble powers to insure it.³

I wish I had time to speak of the awful state of our national debt and credit: and the field is too wide for the compass of a letter; but believe me, Sir, while we are decorating our fabric, we are censurably careless of the foundation. Censure, if ever it comes, will not light wholly on those whom the pious Duffield calls "the great council of these States". Each State, at too late a day, will find cause to apply blame to itself. We are at this moment on the brink of a precipice, and what I have long dreaded and often intimated to my friends, seems to be breaking forth—a convulsion among the people. Yesterday produced a bloody scene in the streets of this city;⁴ the particulars you will probably learn from other friends; and from circumstances which have come to my knowledge this morning, there are grounds for apprehending much more confusion. The enemy has been industriously sapping our fort, and we, gazing and frolicking; peradventure we, meaning every State, may improve the

² See no. 389 (note 4), *ante*.

³ Adams's reply, Oct. 25, is in *Works*, IX. 503.

⁴ The "Fort Wilson" riot. See *Life of Joseph Reed*, II. 149-155, 423-428; also *Pa. Arch.*, first ser., VII. 732, 735, 744.

present alarm to good purpose; but what shall we do by and by, and not far distant, for quieting a hungry and naked army? Shall we call forth a grand convention in aid of the great council? This may become absolutely necessary.⁵

I will presume on your kindness and friendship to trouble you by the next post with a packet for my friends in Europe, and no further in the mean time, but to subscribe with great truth, dear Sir, your faithful, obliged, and affectionate friend and servant,

HENRY LAURENS.

576. THE MARYLAND DELEGATES TO THE GOVERNOR OF MARYLAND
(THOMAS JOHNSON, JR.).¹

PHILA. Octr. 4th 1779.

Sir,

Your Excellencys Letter of the 28th ulto. together with the applications from the Executive Council and Board of War of Virg'a we laid before Congress, and in consequence thereof, you have an Act recommending the permitting of as much Bread, flour and wheat to be exported for the State of Virginia as may be wanted for its Public supply.²

The State of Maryland it is said suppl'd the *Baltimore* Packet Capt. Reed with 10, 3 or 4 Pounders. On her return to Philadelphia, they were left in the care of the Navy board, and have been delivered to Mess's Morris and Nesbit, who say, that they purchased them. The Navy board want these Guns, and would give a great price for them. Be pleased to inform us whether the Guns belong to our State, or to M and N. if to the Former is it your opinion that we may let the Navy board have them at the present prices of Canon³

We are with the greatest respect and esteem

Your Excellencys Obedt. Servts.

WM. PACA

JAMES FORBES

DAN OF ST. THOS. JENIFER

PS. Perhaps you may meet with an opportunity of Transmitting the Enclosed Act of Congress to your Brother.⁴

577. JOHN FELL, DIARY.¹

[October 4, 5, 1779.]

Monday 4th Commercial Committee Congress. This day spent in Reading dispatches Memorials, Treasury Reports etc. NB a great

⁵ Cf. Laurens's suggestion in his letter to Governor Livingston July 5 (no. 389, *ante*).

[576]¹ Md. Hist. Soc., Red Book, V. 27 (in the writing of Jenifer).

² See the *Journals*, Oct. 2. Cf. no. 591, *post*.

³ A letter from the marine committee (signed by William Whipple as chairman) to Governor Johnson, Aug. 31, relative to these cannon, and enclosing a letter to them on the subject from John M. Nesbitt and Co., is in *Out-Letters*, II. 103. A copy of the committee's letter, from the original, together with a copy of a letter from J. M. Nesbitt, dated Feb. 3, 1779, was courteously furnished by C. F. Libbie and Company. The latter may not, however, be the letter which the committee enclosed.

⁴ Joshua Johnson. See nos. 568, 572, *ante*.

[577]¹ Library of Congress, Journals and Diaries.

tumult in the City and some Lives Lost several Wounded and several sent to Goal ²

Tuesday 5th Com'l Committee Congress A very long Letter from Genl. Sulevan was Read giving an Account of his expedition in to the Indian Country, destroying 40 Towns, etc., etc. On the Report from the Committee to ascertain the Sallery per Annum of the Minister Plenop-tentiary and the Secretary.

Motion first for £3000.	Sterl'g.	Ayes 3	Naes 3.	Devided 4
do. for £2500.	do.	do. 5.	do. 3	do. 2
do. for Secretary 1000	do.	do. 5.	do. 3	do. 3 ³

P M Marine Committee

578. EDMUND RANDOLPH TO THE SPEAKER OF THE VIRGINIA HOUSE OF DELEGATES (BENJAMIN HARRISON).¹

WMSBURG October 5th 1779.

Sir,

I repaired to congress, in obedience to the commands of the general assembly at their last session, and in conformity to my own opinion, that no citizen ought to decline a service, to which he might be called by the voice of his country without good cause. To such of my friends, as urged me to accept the appointment, I repeatedly represented my situation in life, and the dependence of my family on the fruits of my profession. They thought, that I might discharge both public and private duties by returning from Philadelphia to the different courts. With this Idea I yielded to their application. But after having made the experiment I find, that to be in Virginia at those seasons, when the office of Attorney-general may require my presence, will leave a small portion of time indeed for my attendance at congress. This will appear to be the case, when it is remembered, that the interest of the commonwealth makes an advocate necessary in the courts of Appeals and Chancery, and in the general court, some one of which will be sitting, with scarcely an interval of two months, from this time to the end of my delegation. I therefore intreat the general assembly, whose frequent instances of favour towards me would render any defection from the service of my country unpardonable; to consider my embarrassments, and to believe, that nothing, but my obligations to those, who look up to me for support, would induce me to

² The "Fort Wilson" riot. See no. 575, *ante*, and nos. 582-585, *post*.

³ According to the *Journals*, the report on this subject was brought in Oct. 4, and the balloting took place the same day. The fact that Laurens, in his letter to Samuel Adams Oct. 5 (no. 579, *post*), speaks of the discussion as then proceeding bears out the correctness of Fell and the error of the *Journals*. The proceedings were entered only in the Secret Journal, Foreign Affairs, and may therefore have been given a wrong date.

[578]¹ Copied from the original, then in possession of Mr. Stan. V. Henkels.

resign a seat, so honourable in itself, and demonstrative of public approbation.

I am Sir with sincere respect

yr. mo. ob. and obliged servt.

EDMUND RANDOLPH.²

579. HENRY LAURENS TO SAMUEL ADAMS.¹

My Dear and respected friend,

I have been honored with your favors by the hands of Mons'r le Chevalier la Luzerne and Mons'r *son Secrétaire*² and thank you for the several introductions, but I want much a reply to one part of my Letter of the respecting the amount paid by order of His Most Christian Majesty to the Owners of the *Hancock* and *Boston*³—the arrival of our

² This letter bears the endorsement: "Letter of Edmd. Randolph Esq. resignation. October 26th 1779. to lie on table."

Randolph left Congress about Aug. 15; he is last recorded as voting Aug. 14 (Saturday). In his account for attendance he credits himself with attendance of 27 days in July and August, but whether this is counted from July 22, the day he first attended, or from the time he left home, is not stated. Probably it was the latter. Following is his account (Va. State Lib., Executive Papers):

The commonwealth of Virginia in account with Edmund Randolph		Dr.	
1779. July. To travelling from Williamsburg to Philadelphia, as a delegate to Congress.....	320 Miles at 6s. per Mile.....	£96	
To ferriages at Port Royal.....			14
.....Hooe's		5	8
.....Patapsco			10
.....Susquehanna	1		14
.....Schuylkil			5
July and August. To attendance 27 days at 12£ each day.....		324	
To travelling on return 264 Miles.....		79	4
To ferriages at Schuylkil			5
.....Wilmington			12
.....Bay	30		
.....London town	1		
.....Mount pleasant			10
.....Young's	9		
		£549	2
1779 July By cash received from the treasury.....		£1000	
		549	2
Bala. due to the commonwealth.....		£450	18
[Endorsed:]			
Edmd. Randolph.			
Wages		£549	2
pd. G. W.....		450	18
		£1000	
8 Sept. 1779			
Delegate in Congress.			

[579]¹ N. Y. Pub. Lib., Samuel Adams Papers.

² Barbé-Marbois. Cf. nos. 528, 529, *ante*.

³ See the *Journals*, June 18, 27, 1778.

worthy friend of Bra[i]ntree will enable you to be accurate and I think it a matter of consequence.

We are at this instant on the subject of Salary to our Ministers Plenipotentiaries, shall £3000 per Annum stand or £2000 be inserted—for the Secretaries £1000 or £700.⁴ but I must attend to business, you will be better informed from the corner House⁵ of every thing worth your notice than you could be by me, therefore I shall at present only repeat that I continue with great affection and respect

Dear Sir, Your obliged and obedient Servant

HENRY LAURENS.

State House Tuesday 5th October 1779

580. WILLIAM CHURCHILL HOUSTON TO THE GOVERNOR OF NEW JERSEY
(WILLIAM LIVINGSTON).¹

PHILADELPHIA, October 5th, 1779.

Sir,

I am sorry that it has not been in my power to command as much time as I should have wished to employ in giving a distinct account to the legislature of the most material occurrences in the progress of business since I came to Congress. It is certainly the duty of every person in public trust to make those from whom he derives his appointment acquainted with the manner in which he executes it, that they may be able to decide how far he fulfils or deceives their expectations, and to form at any time, a clear estimate of his character. Next to want of fidelity, I look upon the neglect of giving due information to his constituents, the greatest crime in a public man.

The principal intention of this is to point at a question which, from accidental circumstances, has acquired a magnitude and importance above what, simply considered, it was entitled to—A question which has excited much inveteracy and ill-blood in Congress, and not a few speculations and suspicions abroad. I mean the recall or rather the super-session of Mr. Arthur Lee, Commissioner of the United States at the Court of Madrid.² I have carefully read over the papers and attended to every feasible means of unbiased information relative to this question, and I think I have done it with a temper divested of prejudice. The result is this; I take Mr. Arthur Lee to be a man of a jealous, suspecting, difficult disposition; trusty, capable and industrious. Indefatigable above others in procuring and transmitting intelligence; accurate and frugal in expenses and money matters; simple, severe, and republican in his manners, so much so, as to be thought by many sour and inimical. This I take to be his character; and in many essentials I am not afraid to call him equal to any person Congress ever employed in a similar capacity in Europe. The

⁴ Cf. no. 562, *ante*. The *Journals* (evidently in error) record this discussion under Oct. 4 (Monday). See no. 577, note 3, *ante*.

⁵ That is, from the Massachusetts delegates.

[580]¹ *N. J. Rev. Corr.*, p. 191; *N. J. State Lib.*; Harvard Univ. Lib., Sparks MSS., XXXVI. 335.

² Cf. nos. 250, 296, 297, 337, 338, 474, *ante*.

story hawked about that his indiscretions prevented the Court of Spain from treating with him, I cannot think believed by those who propagate it, as that conduct in the Spanish ministry is ascribable to different reasons which must strike every person at once who has the least knowledge of the state of matters as they respected that power. But admitting he was the best qualified and most meritorious man on earth, is it not my duty to vote for removing him, when the funds of Congress, are absolutely wasted, and the public business not only retarded but stopped by unavailing altercations concerning an individual? When a general offers up a forlorn hope to save an army, the alternative is dreadful; but the principle is defensible and the practice of it often necessary. I confess that in a republic, where approbation, honor, and praise, more than money and emoluments, are the reward of faithful services, such things ought to be admitted with reluctance and caution; yet still they may not be always avoidable. But further, should it turn out to be a fact, that France was doubtful of him, and that Spain hesitated, it mattered not how good a man he was, one every way inferior, if free from such exception, would have been preferable for the purpose of treating. The real cause of delay being now removed, it is to be hoped the gentleman who succeeds Mr. Lee will be successful. As I would ever wish to be simply just, but at the same time to do what is best, all things considered, I have no other request than that this state of facts may be remembered another day, when time will throw light upon what is now dark, prejudice will be extinct, and the means of judging fairly will come within the reach of all. Into what course of conduct, or to what length of crimination, resentment may impel this unfortunate man, I am excused from surmising. Whether, as many have done, he will adhere to the part he has taken in spite of what he may think ill-treatment; or whether, as many have also done, he will transfer himself to a situation where he will expect more attention, does not belong immediately to the present decision; at least, I have taken the liberty to throw it out of the balance. At all events I am happy this troublesome affair is ended, and I hope it will never rise up to disturb the counsels of America more. Subjects of contention and animosity are retiring one after another, and unanimity reviving in Congress where it is so essentially necessary. Trifles have had their day, and too long a one it has been; matters of moment have a claim to this, and that it may not only be longer but perpetual, I am persuaded is the ardent wish of every honest man.

Upon reviewing what I have written, a suspicion occurs that the above representation may imply a reflection on the conduct of some of my colleagues, which is far from my meaning, as it would be repugnant to justice. The time is not the same, other circumstances also disagree; on the contrary, I must declare that I think their situation hard and undeserved. The whole train of the transaction I can trace minutely. To the quarter from whence the accusations have originated, the motives which inspired them and the instruments which have been employed for their circulation, I am not a stranger, nor am I surprised at anything thus far. But that their fellow-citizens should entertain impressions unfavor-

able to those they once thought well of, and not call for an investigation of their conduct, or suspend their opinions till an explanation should be had, may perhaps be a matter of some discouragement. If the gentlemen know what is alledged to their charge, I am astonished they do not apply for an opportunity of justification. Certainly if I should ever be of importance enough to be found fault with, I should expect the liberty of explaining facts and motives; after that it is the part of an honest man to submit in silence to the judgment of those who have a right to pass upon his conduct. . . .

581. JAMES LOVELL TO WILLIAM WHIPPLE.¹

Oct. 5th, 1779.

Dear Sir,

Your favor from West Point reached me yesterday. You are mistaken as to how much *a* man can do *for* himself. The newspapers of today will show you what a *Body of men* can do *against* themselves.² Arthur Lee is recalled by an authenticated newspaper which will reach him accidentally, before any official information can go in the usual and decent course. So that if Jay is taken, or drowned, we shall have a total suspension of negotiations for a time. Will you not think it strange after what I see [say?], that I should have an idea of being willing to go with Mr. J. A. in case D³ refuses? As it is precarious in regard to D's situation, I wish I had been chosen in the first place. I know your idea is for France, but I should have the most implacable enemies there who think they have a right of occupancy in the Secretaryship. Besides the latter is residentiary, the former temporary.⁴ . . . Peabody will give you at Portsmouth all the manoeuvres of Chestnut St. I have not yet seen the *Tall Boy*; ⁵ the *Tall Man* good uncle Roger arrived the day after the *Sacrifice*. He is "shocked at the *Ingratitude* of that proceeding".

New Hampshire was the only State for A. L.; our's was divided with R. I., Penna. and South Carolina.

I declared openly that I did not approve Mr J's *conduct* in the Chair—some others followed me in like declarations, but I would not go to the dirty work of Yeas and Nays and urged that, if a *Majority* were so disposed, he might receive a *Formality*.⁶ . . .

[581]¹ Library of Congress, Force Trans., Whipple, p. 723; Harvard Univ. Lib., Sparks MSS., no. 52, vol. II., p. 233.

² Lovell's chief worry, as indicated in the next statement, is over the superseding of Arthur Lee. The *Pennsylvania Packet* of Oct. 5 contained an extract from the proceedings of Congress Sept. 28, recording the election of Jay as minister plenipotentiary to Spain, another of Oct. 1, expressing the thanks of Congress to Jay for his conduct in the chair, and Jay's response of Oct. 4. The latter is in the *Correspondence of Jay* (I. 245). The items are found also in the *Pennsylvania Gazette* of Oct. 6.

³ Francis Dana. See the *Journals*, Sept. 28, 29.

⁴ Cf. no. 569, *ante*, and nos. 684, 685, 688, 695, *post*. Lovell gives some account of the "Fort Wilson" riot.

⁵ Probably Gouverneur Morris. He had doubtless arrived in Philadelphia, as he took his seat in Congress the next day. See no. 633, note 2, *post*.

⁶ Cf. nos. 547, 552-554, 556-559, 562, 572, *ante*.

582. NATHANIEL PEABODY TO JOSIAH BARTLETT.¹

PHILADA. Octo. 5 1779.

Dear Sir,

. . . . My worthy friend Mr. Whipple departed *this City* on the 25th. ulto. . . .

I informed you in my last if I mistake not all the official accounts we have had respecting Count D-Estaing, his strength, and Destination. This moment *pr. Post* we are informed, but not officially, that Count D-Estaing has taken all the Land and Sea forces of our Enemy in Georgia, have some reason to hope it is true, but am not Sanguine.² the Enemy at N York are daily embarking in Considerable Number but where destined, remains Still with them, as we Can only Conjecture by Some Circumstances, that they Aim either at virginia, or the west indias but I flatter my Self, the intended movement of the Allied fleets And Armies, will point out their Employment. . . .

583. A COMMITTEE OF CONGRESS TO JEREMIAH WADSWORTH.¹

PHILADELPHIA Octr. 6th 1779

Sir

yours of the 26th ulto. to the Comm'ttee was recd. last Monday. the Expectation of the French Fleet on our Coast makes it necessary to provide for them our encouragements for flour in this quarter are at present unpromising, notwithstanding every exertion that has been used. we have the promise of Eight hundred barrels of flour from this State ready to be delivered which will be forwarded immediatly unless prevented by the present Commotions. we have further prospects of flour from below, and also from this State, but how Much or how Soon is uncertain, we place Much Dependence, in this Critical Juncture, on your abilities and unremitting exertions for the Supplies immedeatly wanted.

Inclosed you have an Order from the Marine Comm'ttee on our Agent at Boston for any quantity of Sugar not exceeding 100 Hog's to enable you to fulfill your engagements for flour—also for 200 Hog's of rum for the use of the Army.

The Resolutions of Congress in favour of New York we hope will have the most Salutary effects. you will know how to make the proper use of them

in behalf of the Comm'ttee on the Commissary's Departm't etc.

I am your obedt. humble servant

JESSE ROOT, Ch'n.²

[582]¹ Dartmouth College Library, Bartlett Corr., vol. II. ("No. 10").

² The information came through a letter of Elisha Walton, written from Shrewsbury Oct. 3 (see the *Journals*, Oct. 5), and was from a source, Walton says, which he believed to be reliable.

[583]¹ Conn. Hist. Soc., Jeremiah Wadsworth Papers.

² Cf. the private letter from Root to Wadsworth the same day, no. 584, *post*.

584. JESSE ROOT TO JEREMIAH WADSWORTH.¹

Sir

PHILADELPHIA Octr. 6th 1779

I recd. your favour of the 28th ulto. Supplying the army with bread is and has been a very Serious business every exertion has been made in these States to procure and forward flour to the army for some time past with but little Success, and our dependance has been on the Contracts you entered into with the people of New York to exchange Salt Sugar etc: for flour. you will before this reaches you receive the resolutions of Congress on that head.² the Com'ttee early reported and urged the necessity of the reports being taken up, but our foreign affairs pressing, it was delayed more than a fortnight. although some Members not rightly understanding the business at first blamed the Measure, yet the Committee was able to vindicate your Conduct and I beleive you will find by the resolution passed no blame is thrown upon you in this Instance. our foreign affairs, the business of Finance, and the daily orders necessary to be passed, prevent the attending to the appointment of a Successor in your office, So early as otherways they would I beleive, Sir, your early attachment to the Cause of your Country, the zeal and activity you have shown through the whole of the time, the Signal Services you have rendered in your present office, being Called to it in the worst of times, will not be forgotten by Congress nor rewarded by delivering you up to be sacrificed. it is the wish of Congress you should Continue to Serve, but it is beleived you are in earnest to resign and they Expect to part with you.³ your Commissions indeed have a great Sound and may Excite the Envy of Some people, but in reality no more than in A D 1775—yet may be Considerable Compared with what some other persons who have been engaged in the public Service have got or rather lost—yet this does not go to the Justice of the Commissions you receive. Mr. Jay is Appointed Minister Plenipo: to negotiate a Treaty with the Court of Spain and goes with Mr. Gerard. Mr. Huntington is Appointed President of Congress. Some letters from Virginia and Maryland Say, We hear that Count de Estaing has taken Savannah and Made prisoners of all the british Sea and land forces in those parts, but this wants Confirmation. Genl. Sullivan has sent a long letter to Congress Informing that he has Conquered all the Indians and destroyed their Country and is returning.⁴

585. SAMUEL HOLTEN, DIARY.¹

[October 6, 1779.]

6. Gen. Arnold applied to Congress for a guard and Congress informed him that his application should have been to the executive of the State.²

[584]¹ Conn. Hist. Soc., Jeremiah Wadsworth Papers.

² See the *Journals*, Sept. 30. Cf. no. 583, ante.

³ See the *Journals*, Oct. 22, Nov. 29, Dec. 4.

⁴ The remainder of the letter relates to the "Fort Wilson" riot.

[585]¹ *Essex Inst. Hist. Colls.*, LVI. 29.

² Following is Arnold's letter, addressed to "His Excellency Samuel Huntington Esqr Presidt. Congress":

"Philada. Octr. 6th 1779.

"Sir A Mob of Lawless Ruffians have Attack'd me in the Streets and threaten my life now I am in my Own House, for defending myself when attacked. As there is

586. JOHN FELL, DIARY.¹

Wednesday October 6, 1779 Com'l Committee Congress After the dispatches were Read a Committee of 12 was appointed for the apporportioning the Quotas for the Payment of the 15 Million

Thursday 7th Com'l Committee Congress The Committee of 12 brought in a Report as follows, viz.²

NB the Delegates from New Jersey as well as some other States did all they could to lower their sums but all in vain.

P M Marine Committee

587. GOUVERNEUR MORRIS TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

Public.

PHILA: 7 Octr. 1779.

Sir,

Congress Yesterday determined to raise 15 Mills: per Month from the 1st. Feby. to the 1st Octr. inclusive. They did me the Honor to appoint me on the Comm: for apporportioning this Sum. I was unadvised from the State on this Subject but from what I learned at Kingston deemed it my Duty to endeavor at lowering our Proportion which was Effected as well in the Comm: as in the House without Dissatisfaction tho' not without Difficulty. Perhaps I may not have thoroughly accorded

no protection to be expected from the Authority of the State for an honest Man, I am under the Necessity of requesting Congress to Order me a Guard of Continental Troops. This request I presume will not be denied to a Man who has so often fought and bled in Defence of the Liberties of his Country. I have the honor to be with great respect Sir, Your most obedt. Hble. Servt. B. ARNOLD.

"N B I believe 20 Men with a good officer sufficient."

The refusal of Congress to order the guard was probably as much because of Arnold's insinuations against the Pennsylvania authorities as for any other reason (see the resolution). To the letter of President Huntington transmitting the resolution, Arnold at once replied as follows:

"Sir This Instant I have the honor of receiving your Letter and the Resolution of Congress of the Present date. I am extremely sorry Congress should have misunderstood my meaning when I said, 'There was no protection to be expected from the Authority of the State for an honest Man [']', their Disposition to protect the honest Citizens I did not Doubt, their Abilities I doubted and still have reason to doubt, from the fatal Consequences of yesterdays Commotions." Some citizens, he says, had applied for protection, but the authorities had been unable to afford it. He continues:

"Agreeable to the Sense of Congress I shall immediately make application to the Executive Authority of this State for Protection. I must beg leave at the same time to observe, I think it will be ineffectual, as I do not believe it is in their Power to Protect every honest Citizen who is in danger from a Mad Ignorant and deluded Rabble, from whose Brutality I have every thing to fear and reason to think my life in danger. And must again beg leave to renew my request to Congress for a Guard. that Honorable Body will pardon me for observing I think my Rank in the Army Intitles me to a Guard of Continental Troops. If I am not happy enough to obtain one, and am again Attack'd, Self Preservation will Induce me to defend myself to the last Extremity, and I hope the Hon'ble Congress will not think me Chargeable for the Consequences."

This letter appears to have been read in Congress at the last moment prior to adjournment, and no action was taken upon it. The letters of Arnold are in *Papers Cont. Cong.*, no. 162, vol. I., ff. 185, 187. It will be observed that this occurrence was two days after the "Fort Wilson" riot (see nos. 575, 577, 582-584, *ante*).

[586]¹ Library of Congress, Journals and Diaries.

² Fell records here the quotas as found in the *Journals*, Oct. 7.

[587]¹ Mass. Hist. Soc., Washburn Autographs.

with the Views of my Constituents if so let me bear the Blame singly and none of it fall on my worthy Colleagues as I am the blameable. If I supposed the weak Voice of their Servant would weigh with those whom I represent amid the loud Calls of public Necessity the risque of public Honor and Safety the Incitements of all good Men and the Weight and Magnitude of the Objects we contend for I would pour out to them my earnest Supplications by speedy vigorous and repeated Taxation to strike at the Root of a Disease which may prove dangerous if not fatal. I would add one Word to caution agt. those palliative Remedies which under the Name of Regulations and under the Appearance of Patriotism have been at once ineffectual in the Instant tyrannous in the Execution and pernicious in the Effect. But I rely on their Wisdom on their Experience on the Reason and Nature of things which must at length draw all things into those proper channels from which temporary Expedients may vainly have forced them.²

588. JOHN FELL, DIARY.¹

[October 8, 9, 1779.]

Friday Octr. 8th Com'l Committee Congress Letter from General Washington relating to ² The Memorials of G Morgan and Trent, Respecting the Lands of Indiana and [Vandalia] Referred to a Committee of 5.³

Several Reports from the Treasury etc.

Marine Committee

Saturday October 9th ⁴ Com'l Committee Congress. After the dispatches were Read the Committee on Ways and mea[n]s brought in the draft of a Letter to be sent to the Governours and President of Each State for the Requisition of the 15 Million etc.⁵ the Committee brought in the draught of Commission and Letter of Credence for the Secretary appointed to go to Spain

589. CORNELIUS HARNETT TO THOMAS BURKE.¹

PHILADELPHIA, October 9, 1779.

My Dear Sir:

. . . . Spain's declaration against Britain may, as you conjecture, prolong the war. Mr. Jay is appointed Minister Plenipotentiary to the Court

² Jay wrote to Clinton at some length on the same day (*Clinton Papers*, V. 311), discussing in particular some phases of the Vermont question. He also remarked: "Morris is again with us, and I am glad of it. His Constituents must be either infatuated or wretchedly misinformed, if they omit continuing him in the Delegation. But you know my Sentiments on this Subject, and it is unnecessary to dwell on it. For Heaven's Sake, send an able Delegation and preserve the high Rank you hold among the States. I wish Hobart may be sent; at this Season he would be particularly useful, and I am sure until your Vermont Business be over, a special occasion for his being here will clearly exist." See nos. 495, 565, 566, *ante*.

[588]¹ Library of Congress, Journals and Diaries.

² Washington's letter (dated Oct. 4) related to the matter of co-operation with Comte D'Estaing. It is in *Writings* (ed. Ford), VIII. 73, (ed. Sparks), VI. 368.

³ See nos. 522, 527, *ante*, and nos. 616, 622, 628, 629, 632, 639, *post*.

⁴ Holten records under this date, "I dined with Mr. Laurens and about 12 more members of Congress".

⁵ The letter is in the *Journals*, Oct. 9.

[589]¹ *N. C. State Recs.*, XIV. 347.

of Madrid, and Mr. Carmichael his Secretary; John Adams is appointed Minister Plenipotentiary to negotiate a Peace, Mr. Dana his Sect., and Colo. Lawrence, son of old Mr. Lawrence, Sec'tary to Doct. Franklin. Fifteen millions per month is called for from the Sev. States. *Quere*: will it be paid? I believe not. The consequences, you must know, will be distressing indeed. The quota of our state is out of proportion, but this could not be avoided.

. . . . The press stops at 200 Millions, which I believe will be expended in December. Out of the 60 Millions which was heretofore called for from the states, only 3 millions have been received. How the war can be carried on after that period (Dec.) I know not. I do not expect the Treasury can possibly be supplied by the States 15 million per Month: North Carolina, I am confident, can not supply her Quota Monthly. I dread the consequences, but, as you say, "we must take events as they happen".

For God's sake come on to relieve me in Nov., but at the furthest the very beginning of December, and make that Domestic creature, Whitmell Hill, come with you. . . . Could not Hooper, Nash, Johnston, or *some such*, be sent with you? Believe me, they will be much wanted. I acknowledge it is cruel in me to wish you to return; you have already suffered more in your private Concerns than any man who has been in the Delegation for some time past. But you have this Consolation: that, should you fail of receiving your reward in this world, you will no doubt be singing Hallelujas in the next to all Eternity, Tho' I acknowledge your Voice is not very well Calculated for that business. . . .

Mr. Jay Draughted the Circular Letter. Hooper and yourself know his manner.²

590. HENRY LAURENS TO BENJAMIN LINCOLN.¹

PHILADELPHIA, 9th Octr. 1779.

Dear Sir,

I had the honor of addressing you under the 24th ulto., and recommended my letter to the care of Col. Malmadi.²

On the 4th inst., and no earlier, I received your favor of the 20th July, together with Doctor Oliphant's³ return of the state of the hospital in the southern department. These papers had been detained by Doctor Read,⁴ who, being retarded by sickness, was a long time performing his journey from Charleston. I shall be particularly attentive to your recommendations, and Doctor Oliphant may rely on my endeavours to obtain an establishment of the medical department, in So. Carolina and Georgia, under

² The circular letter of Sept. 13, found in the *Journals* under that date. See nos. 523, 524, 532, *ante*.

[590]¹ Harvard Univ. Lib., Sparks MSS., XII. 390.

² Col. François Malmedy.

³ Dr. David Oliphant, director general of hospitals in the state of South Carolina. See the *Journals*, Aug. 24, 1779, Feb. 25, 1780.

⁴ Dr. William Read (1754-1845). See *S. C. Hist. and Geneal. Mag.*, XXV. 17, where he is spoken of as deputy surgeon-general. Some "Reminiscences" of Dr. Read are found in Gibbes, *Doc. Hist. of Am. Rev.*, III. 248-293.

his direction. The Chairman of the Medical Committee ⁵ is not yet returned; consequently, no report, on the commitment spoken of in my last, has been made. I judge it best to hold in my own hands Doctor Oliphant's return, till that Gentleman shall appear, the presentation will then act upon him as a stimulus. Public business is exceedingly delayed in Congress, by this fluctuality of its members, but I will not leave Philadelphia, before I see the article in question determined. . . .

591. A COMMITTEE OF CONGRESS TO THE GOVERNOR OF MARYLAND
(THOMAS JOHNSON, JR.).¹

PHILA. Sept. [October] 9th 1779

Sir,

Your Excellency will be informed by the inclosed Copy of a Letter from the Commander in chief to Congress, that a large quantity of Flour will be immediately wanted for the Army. We have calculated upon the State of Marylands furnishing Ten thousand Barr's over and above what Mr. Holkers Agents want for the Count D'estaignes Fleet, which we have reason to believe is more than half laid in. The Agent for Virga. should suspend his Purchases for that State till the Ten thousand Barr's for General Washington are procured. Vessels must be had if possible for the Transportation of this Flour to such place or places as his Excellency the General shall hereafter direct.

To enable you to furnish the Purchasers with Money, you will from time to time draw from your Treasury such sums as have, or may come into it from Continental Taxes; and whatever may be further wanted, must be sent from this place of which be pleased to forward an Estimate: But as the Continental Treasury is very low, we beg of you to press as little upon it as possible.

Altho it is well known to the Enemy that the Count D'estaigne may be hourly expected, yet as it is not known that the General and he are to act in concert, Congress have enjoined its Members to secrecy, which you and the Council will be pleased to observe.²

With the greatest respect and esteem we are, Sir,

Your Excellencys Most Obedient Servts.

NICH'S VAN DYKE

WM. PACA

JAMES FORBES

DAN OF ST. THOS. JENIFER

JNO MATHEWS

Two Resolutions of Congress are inclosed.

⁵ Probably Nathaniel Scudder. He appears to have been absent from Sept. 18 to Oct. 20. A report was brought in Oct. 27. See, further, the *Journals*, Oct. 28, Nov. 16, 19, 20, 22.

[591]¹ Md. Hist. Soc., Red Book, V. 33 (in the writing of Jenifer).

² This letter is in accordance with the reference, Oct. 8, of Washington's letter of Oct. 4 to the delegates of Delaware, Maryland, and South Carolina. Cf. no. 576, *ante*.

592. JOHN FELL, DIARY.¹

Sunday Octor. 10, 1779 Dined at Frankford.

Monday Octr. 11th. Commercial Committee. Sundry Letters Memorials etc. A Memorial from the Legislature of New Jersey relating to fixing the Price of Produce etc. Committed to a Member from Each State.²

Tuesday 12th. Commercial Committee Congress. Letter from Coll. Broadhead giving an Acct. of his Transactions and Expedition again[s]t the Indians, etc. Moved that the Commissioners etc. for the Board of Treasury hold their Offices during Pleasure.³

P M Marine Committee

593. RICHARD HENRY LEE TO ARTHUR LEE.¹

VIRGINIA 12 October 1779²

Your [enemies]³ have triumphed at last, [wicked] persevering and under no kind of [restraint] they have fairly [worried] out the [friends] of [virtue] and their [country]. By various manoeuvres and after repeated and frustrated attempts to recall, one was fallen upon that succeeded and Jay of [Congress] is to go [plenipotentiary] to [Spain] Mr. John⁴ [Adams] is to [negotiate] the [peace] with G. B. when that comes on. I sent your [resignation] long since to philadelphia to be submitted, as to presentation, to Americas best friends, and it was determined to [withhold] it until it was seen how [Congress] would act in [Deane's] affair. In the mean time, the above manoeuvres took place—I believe it will now be presented. Your best friends are of opinion that you should come immediately over and before [Congress] demand a full hearing and a complete vindication—If it is [refused] the [public] will, on an [appeal] do right to the injured. In your Letter to Loudoun of May 28 Last, you deliver a sentiment that is perfectly just, that in a free country like ours there is no disgracing a man who is shielded by innocence and evidence—far less can a wicked faction do any such thing. Bad men may impose for a time, but cannot stand against the truth fairly displayed and properly enforced. our [frigate], [*Confederacy*], will carry [Gérard] (and perhaps [Deane]) home, by her [return] you and Ludwell may [return] here. These two men have been most intimate here, and tho constantly declaring for many months past that they must

[592]¹ Library of Congress, Journals and Diaries.

² See no. 594, *post*.

³ The motion is not recorded in the *Journals* Oct. 12, but see *ibid.*, Oct. 20, 23, and no. 614, *post*. It is significant that when a vote was taken on this question (Oct. 23) every voice from New England except one (Gerry) was in the negative, while from the states south of New England only three members voted no. It is perhaps also significant that the motion was made by Fell, who had served on the bench. He was chosen one of the judges of the common pleas of Bergen County Sept. 6, 1776, and was reappointed Sept. 28, 1781 (*N. J. Arch.*, second ser., I. 54, 456).

[593]¹ Harvard Univ. Lib., Lee MSS., VI. 121. The body of the letter is a copy, but the date line at the beginning, a few minor emendations, the signature (which is in cipher), and postscript are in Lee's own hand.

² Although Richard Henry Lee had been absent from Congress since May 24 and had in fact resigned his seat, it is deemed proper to include this letter here. It does not appear to have been hitherto printed.

³ Words in square brackets are written in cipher. See no. 87, *ante*.

⁴ The copy has "Jhon" here and also near the close of the letter.

depart in a few days yet they never stirred until their [point] was [gained] and now I suppose, as a certain gentleman says, they are glutted (even to satiety with revenge) they will really go. Wisdom and perseverance are excellent qualities, to secure success and to vanquish finally all wicked combination. If you can, I would advise you to land at Portsmouth in New Hampshire where I am assured you will be well received, at that place and at Boston you will have an opportunity of seeing General Whipple and Samuel Adams Esqrs. with other wise and virtuous friends of America, who loving their Country, esteem and honor its able and virtuous Citizens. You will thus have an opportunity of seeing a valuable part of this union which you have not yet been personally acquainted with. Mr. John Adams, since his arrival here and before he came has in his Letters (for he has not been at Congress) done great justice to your character. The above business was determined in Congress before the arrival of the Chavalier de la Luzerne. he has since arrived at Philadelphia. The Virginia Delegates in Congress are James Mercer! Wm. Fitzhugh of Chatham! Flemming! Cyrus Griffen! Mery Smith[!] I wish that Mr. Wm. Lee and Mr. Izard would come with you.

Farewell

[First Survivor Brother]

[Congress] neglected for very obvious reasons to publish your [Vindication], but I expect to get it done immediately leaving out such parts as might be improper on account of [foreign powers]. An honorable Member of Congress says he doubts not but that your Country will yet do you honor.⁵ I think so too. A temperate, firm, and wise conduct is only necessary.

Virginia 12 Oct 1779

594. THE VIRGINIA DELEGATES TO THE SPEAKER OF THE VIRGINIA HOUSE OF DELEGATES (BENJAMIN HARRISON).¹

Sir

The good Intentions of a neighboring state having committed to our charge the conveyance of the enclosed paper, we do ourselves the honor to hand it to the Virginia assembly under your address. we have only to add that in consequence of a representation from the same state addressed and received by Congress the business is so far began as to be committed to a member from each state.²

We have the honor to be, Sir,

your most obedient humble Servants

C GRIFFIN

JS. MERCER

WILLIAM FITZHUGH

October 12th [1779.]

⁵ Henry Laurens. See no. 559, *ante*.

[594]¹ Copied from the original, then in possession of Mr. Stan. V. Henkels.

² This was a representation from the state of New Jersey with regard to limitation of prices. A month later the proceedings of the convention of committees of the eastern states, held at Hartford, Oct. 20, was referred to the same committee. See the *Journals*, Oct. 11, 21, Nov. 10, 15, 18, 19. See no. 592, *ante*; cf. nos. 596, 603, 610, 642, 648, 654, 657, 659, 689, 697, 700, *post*.

595. HENRY LAURENS TO RICHARD HENRY LEE.¹

PHILADELPHIA 12th October 1779.

My Dear Sir,

Since my last Letter to you under the 28th September I have not been honored with any of your favors, nor, from a former intimation, could I have expected to hear from you.²

We remain without any addition to the first advices of Count d'Estaing's arrival near Georgia. this circumstance detains me in Philadelphia, which I cannot conveniently depart from, until I shall have seen and conversed with the Young Gentleman lately appointed Secretary to the Embassy at Versailles. I mean to give him a faithful unbiassing account of Foreign and domestically-transacted-foreign affairs and leave him to judge and determine. if he reads my heart he will return thanks and decline acceptance.³

You will receive with this a Copy of the *Journal* containing the Yeas and Nays formerly spoken of. the different principles alluded to by a Note in the Margin were—I thought 10 or 15. by far too little. L——— was of opinion that *any thing* would be too much.⁴ The Report for which a certain Monday was "*set apart*" remains unconsidered and probably will remain so to the day of Judgement.⁵ Yesterday I received Packets and Letters ten in number directed to yourself and colo. F. L. Lee from France which I have delivered to Mr. Lovel who has shown me Copies of two which will be read this Morning in Congress. I shall move to have them printed. if refused, and I can obtain Copies, they shall be printed. Mr. Lovel will enlarge on these points.⁶ The P. S. to my Letter above recited informs you that I had paused upon the propriety of transmitting a Paper which had been inclosed. Upon mature reflection and considering circumstances which have since happened I see nothing improper in it, therefore I shall inclose it with this in its original state, probably it may at this distance of time convey no information.⁷ the Salaries to Ministers Plenipo: £2500. Stg per Ann. to their Secretaries £1000, in full of all expences etc. passages excepted. I moved for £2000, and £700. and was uniformly no! against every thing higher and my motives and reasonings I trust will meet the approbation of my thinking fellow Citizens. we have made the appointments where are the funds? Mr. Carmichael had no competitor, but I refused my Vote; upon proper reflection I am persuaded he himself will applaud my candor and I will take the liberty of adding, my judgement.⁸

[595]¹ Am. Phil. Soc., Lee Papers, vol. II., p. 188, no. 52.

² See Lee to Laurens Oct. 15, in *Letters of Richard Henry Lee*, II. 159.

³ The young gentleman referred to was John Laurens.

⁴ The reference is to the proceedings Aug. 26 respecting compensation to Deane. In his letter of Sept. 12 Lee had asked for these yeas and nays. See nos. 501, 559, *ante*. "L——" was evidently James Lovell.

⁵ See no. 559, *ante*.

⁶ See no. 599, *post*. No letters of Arthur Lee were read in Congress Oct. 12, but several communications were read Oct. 13. That of Apr. 26 is in Wharton, *Rev. Dipl. Corr.*, III. 136; that of May 31 is *ibid.*, p. 196.

⁷ See no. 559, note 3, *ante*.

⁸ See the *Journals*, Oct. 4. Cf. no. 574, *ante*.

He who had repeatedly acknowledged that he had called an American Minister in Office a Rascal and did not deny that he had called him Villain too and said he would display his Villainy to Congress, must have been either right or wrong. I need not deduce the logical conclusion. I think I have acted as if I understood it.

The two Legs are made Ult: but yesterday there was a proposition for reconsidering and expunging the southermost. I opposed it, after an hours debate, adjourned. we shall hear more of it to day I told the advocate for expunction, I had long since heard every word he had offered in support of his motion—*out of doors*⁹

The *Confederacy* is still at Chester her Passengers will embark in the course of this Week.¹⁰

God bless you my Dear Sir, have patience and all things will work together in support of honesty and truth

I am with sincere Esteem and regard

Your obedient and most humb. Servt.

HENRY LAURENS.

I have heard some people impudently talk of meanness in a ——— but I have not in my life seen more marks of sordid meanness than has been for some days past displayed by a monosyllable.¹¹

596. HENRY MARCHANT TO THE GOVERNOR OF RHODE ISLAND
(WILLIAM GREENE).¹

PHILADELPHIA Oct. 12th, 1779.

Sir,

Mr. Collins sat out last Tuesday for Providence, meaning however to take the Camp in his Tour; and proposed to wait there a few Days for Count De Staing's arrival, and to put himself on Board, if possible. Before the Receipt of This Your Excellency will have recd. The address of Congress, and the late subsequent Resolutions calling upon the States for all future Supplies. Your Excellency will perceive that from an Arbitrary and unreasonable Depretiation of the Currency, no ways proportioned to the Emissions, The amazing high Prices have caused the monthly Expenditures for the Support of the Army and the Common Cause to be very enormous. It cannot be doubted, but that the very Assessment of those Taxes, at least the first and second monthly Collections must have an Effect upon Prices and appretiate the Currency, as soon as this shall be happily effected; I should presume that Congress will be able proportionably to relax in the future Taxes. As The State I have the

⁹ The two "Legs" were the fisheries and navigation of the Mississippi. The proposition for "reconsidering and expunging the southermost" was probably the motion (Oct. 13) by Witherspoon and seconded by Gouverneur Morris to recede from the latter claim on conditions. The *Journals* of Oct. 11 and 12 give no indication of a discussion of the subject. See Lee to Laurens Sept. 19 (*Letters*, ed. Ballagh, II. 150).

¹⁰ The *Confederacy* was to convey Gérard, Jay, and Carmichael to France. See the *Journals*, Oct. 2, 16. Cf. nos. 488, 535, 546, 558, 672, *ante*, and nos. 606, 609, 617, *post*.

¹¹ The allusion is doubtless to Jay.
[596]¹ R. I. Arch., Letters to the Governors, 1779-1780, p. 19; Staples, *R. I. in Cont. Cong.*, p. 252.

Honor to represent has hitherto taken more than its Proportion of Taxes, and its Situation from the Invasion of the Enemy, and the Consequent scattering of a great Part of its Inhabitants, and other Considerations have most severely distressed the State, I was so happy as to prevail in reducing Our Proportion of the Taxes for the Year 1780 One Third less than heretofore.² The State of New Jersey have addressed Congress in the strongest Terms upon the Subject of regulating Prices and pray that Congress will take it into serious Consideration, and recommend a Plan for that Purpose to all the States. Indeed New-Jersey never repealed their Former Act, but suspended it only till as They say The Wisdom of the other States should perceive as they do the absolute Expediency of the Measure. Congress have committed the Address of New-Jersey to a Committee of one Member from each State. The Legislature of New-Jersey have sent forward to the Delegates of all the States in Congress, an Address to every State, requesting that those Addresses may be forwarded by the Delegates of their Respective States, And I have accordingly enclosed one to your Excellency. Should such a Measure take Place; The Expenditures would be diminished, and Taxes I presume proportionably lessened. I should be glad of the Sense of my Constituents upon so important a Subject. Should I not receive any—I shall endeavour to act from such Principles, as I conceive were the Inducements in Their late Transactions in Convention.³

597. ELBRIDGE GERRY TO JOHN ADAMS.¹

PHILADELPHIA, Octr. 12, 1779

My dear Sir,

I have received from Mr. Lovell your Accounts and Vouchers, and shall deliver them to the Board of Treasury; how far they will be able to comply with the proposition of returning the latter, which is contrary to their usual Practice, I am unable to say, but will use my best Endeavours to accomplish it.

Having lately explained to you some Matters,² relative to our internal political Manoeuvres, It is needless to trouble you farther on that Subject. I must however acknowledge that your good Opinion is flattering to the person who is so happy as to enjoy it, and at the same Time that it exceeds his Merit, it cannot fail of increasing his Desires of deserving it.

I mentioned in my last, that Dr. Bancroft and Sir James Jay will probably be nominated, if Mr. Dana declines his Appointment, to the Office of Secretary; since which the Powers thereof are enlarged with the Commission of Chargé D'Affaires in Case of the Absence or Death of the principal, and the Office is so desirable as to be sought, by others of Influence and Abilities. It is uncertain therefore, who will succeed in the new Appointment, and it is for the Interest of the publick, to prevail with

² See the *Journals*, Jan. 5 and Oct. 7.³ See no. 594, note 2, *ante*.[597]¹ Adams MSS.² See no. 562, *ante*.

Mr. Dana, if he has any Doubts, to annul them on this Occasion, and accept the Office. . . .

[P. S.] The Salary of a Minister is fixed at £2500 sterl. and of his Secretary at £1000.

Your Appointment I think ought not to be divulged at present, but find that [it] is generally known, and as generally approved.³

598. WOODBURY LANGDON TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA, Octobr. the 12th, 1779

Sr

. . . . You will have received sundry Resolutions relative to Vermont from the President of Congress a Copy of the last of which I herein inclose, the others of the 24th September were pass'd while I was confined² and I cannot say are altogether to my mind, this Business in my opinion is of the greatest consequence to New Hampshire and requires her most serious attention for many very weighty Reasons.³ . . . indeed there does not appear to me the least probability that Vermont will be allowed to be a separte State and every step that has been or may be taken by New Hampshire to countenance it weakens her claim far beyond what many Gentlemen of New Hampshire have any conception off and will be so construed in desiding the dispute, therefore I wish most heartily that New Hampshire and the Inhabitants of what is called the Grants or Vermont would for the interest of both lay aside every thought of making the latter a separte State and unite in their endeavours to be one State in which case in my opinion they will succeed, but if Vermont persists in endeavoring to be a separte State and New Hampshire appears to acquiesce they will very likely both be disappointed and in all probability Vermont will be adjudged to New York.⁴

³ John Lowell of Massachusetts, who was at this time in Philadelphia, wrote to Adams on the same day:

"I have but a few Minutes in which I can write, and I cannot devote one of them to any other, than the main Purpose of this Letter—you must accept the Appointment which Congress has lately made you, a more important and more critical one never fell in your Way—every restraining Motive must be *forgotten* or banished—your Choice was unanimous; save one Vote, yet there are not a few, who wish you, being appointed, may refuse, that the Election from another Quarter may take Place. no other New England Man will be chosen. the Interest of America requires, blind as some People are to it, that a New England Man should negotiate a Peace—our Friends in N E. ought and will, if the Provision is not adequate, make it so; they ought not to expect you will go on sacrificing your whole little Fortune to their good, but if they are so ungratefull, I think you will yet do it—I have ventured on the Friendship I feel for you and I flatter myself you have for me, to add this Weight to a Scale which I hope will preponderate without—I am told that even an Hesitation or Delay may be dangerous—you have every Wish that I can form for your Success and Happiness" (Adams MSS., Boston; *Hist. Magazine*, I. 259).

[598]¹ *Hist. Magazine*, XXIII. 105; *N. H. State Papers*, X. 355.

² In the beginning of the letter Langdon speaks of his prolonged illness. See nos. 535, 537, *ante*.

³ The principal reason advanced by Langdon is that New Hampshire without Vermont would be small and weak in comparison with her neighbors, and adds that the same reason would apply against Vermont becoming a separate state.

⁴ See nos. 544, 545, 561, 503, 565, *ante*, and no. 619, *post*.

Yesterday was forwarded to you by express Sundry Resolutions of Congress respecting a Supply of the Treasury. the Letter accompanying them together with the inclosed of the 13th Sepr past sufficiently point out the necessity of the measure without my ading any thing on the Subject,⁵ it gives me much pain to find that there appears to be a necessity for calling on the States for such large Supplies and confess that I am not without my fears respecting the success of it, but you must see what will be the consequence if it does not succeed. your Delegates have been able to procure the Proportion of Tax for New-Hampshire to be much lower than what it has hetherto been,⁶ but it must be remembered that when hereafter the proportions of the Taxes of each State shall be finally fixed agreeable to some former Resolutions of Congress if it shall then appear that New Hampshire or any other State has been deficient it will be then liable to make good such deficiency and on the other hand if any State has been overrated it will have credit for the same. . . .

599. JAMES LOVELL TO RICHARD HENRY LEE.¹

[October 13, 1779.]²

Dear Sir

I believe I made some mistake in putting up the Papers for you by last post, as I find a Letter of the Kind which I intended to have sent—Direction on the Cover—

His Excellency The President of Congress

PARIS June 5th 1779.

. . . . Tho' dated June 5th it is the exact copy of May 31st which was this day read in Congress and produced the inclosed Resolve.³ I imagined such an Entry on the Journals would be a sort of decency beyond total Silence and therefore moved it. The Letter was listened to with Gravity and some Remarks I made were approved and confirmed by each one who spoke and by no one more than Mercer who acknowledged that this Letter gave him *new* and pleasing Ideas of Mr. Lee. I was sure yr. Brother would so conduct if he found his ability to serve these States to be *impaired* by the malignant arts of his avowed Enemies strengthened by the unbecoming Tameness of those who ought to be the Patrons of his Honor on the meer ground of official Relation, to say nothing of his proved Capacity his acknowledged Integrity and his unwearied Zeal.

I did not venture to put into the President's Letter, as a copy *now* sent, one of the old Letters of March 1st for had I been interrogated as to its arrival I should not have been in the State that honest Davus wished to be in regard to the placing of the Infant, *ut liquido faciam* says he, if I am

⁵ See no. 610, *post*.

⁶ See the *Journals*, Jan. 5, Oct. 7.

[599]¹ Univ. Va. Lib., Lee Papers.

² This letter bears a date in pencil, by a hand other than Lovell's, "Aug. 28, 1779", probably because found with Lovell's letter of that date (no. 496, *ante*). The date is fixed by the mention of the resolve upon Arthur Lee's letter of May 31.

³ The letter of June 5, which Lovell quotes, is merely a repetition of Arthur Lee's letter of May 31, offering his resignation (Wharton, *Rev. Dipl. Corr.*, III. 196). Concerning Lovell's suppression of Lee's resignation, see no. 562, *ante*. Cf. Lovell's remarks in the next paragraph of this letter. The resolve referred to is in the *Journals*, Oct. 13.

called upon to deny it. There would be a meanness in putting in *now* what I intend readily to own, when there is occasion, that I aided to suppress.⁴

I have by me a Letter from Capt. Fowler⁵ to a Friend of his here Col. Semple, in which, upon Sight of Rowlands⁶ Peice of Augst. 10th, he was induced to insert the strongest Testimony of the Stock jobbing Schemes of Wharton, Bancroft, etc. wishing however to have his own name concealed. He writes from Ohio Sepr. 22.⁷

600. JOHN FELL, DIARY.¹

[October 13, 14, 1779.]

*Wednesday Octr. 13*² Com'l Committee Congress. Dispatches Letters and Memorials were Read, Also Reports from the Board of Treasury Dr. Weatherspoon moved for the Ultimatom in the Instructions to the Minister of Spain, instead of insisting on the Free Navigation of the Missisipi to have a free Port only 6 ayes 4 Noes 1 devided.³

Thursday 14th Octr. Com'l Committee Congress. Long debates about the title to be given the President of Congress whether Excellency or Honor⁴ and the filling up the Secretary['s] Commission. Dr. Wether-spoon not in Congress. State not Represented

P M Marine Committee

601. JAMES LOVELL TO ARTHUR LEE.¹

private

Oct 14th, 1779²

Dear Sir

Mr. Bonfield on the 30th of June and 22d of July³ wrote to us and forwarded many Letters from you one only of which was new—a Letter of May 31 which was read in Congress Oct 13th and produced an Entry somewhat palliative in regard to the Doings of Sep. 27. I know not whether you was in France at the Time Mr. Bonfield wrote. I had been hoping that you would finish yr. Commission in Spain before Mr. Jay's Voyage could be completed. The late Conduct of the Court of Madrid seemed to give a fair opening for it. I lament the Length of Time between the Dates and Receipts of yr. Letters. I was sure that if you found yr. Ability to Serve us to be in fact impaired by the malignant

⁴ See note 3, above. Cf. no. 478, *ante*. There seems to be no letter from Arthur Lee extant bearing date of March 1.

⁵ Capt. Alexander Fowler. See no. 43, *ante*.

⁶ The article by "Rowland" (Richard Henry Lee), printed in the *Pennsylvania Packet* Aug. 10, may be found in *Letters* (ed. Ballagh), II. 108. See nos. 460, 478, 501, 553, *ante*.

⁷ If there was more of this letter it is missing.

[600]¹ Library of Congress, Journals and Diaries.

² Holten records under this date, "I met a Committee this evening on Gen. Arnold's accounts".

³ See the motion in the *Journals*.

⁴ The *Journals* make no mention of this discussion.

[601]¹ Harvard Univ. Lib., Lee MSS., VI. 123.

² A second letter of the same date (no. 602, *post*) is essentially a duplicate of this letter but is somewhat more ample with respect to one or two matters.

³ These letters of John Bonfield were read in Congress Oct. 11.

proceeding of Deane and the unbecoming Tameness of those who ought to have shown themselves the patrons and Guardians of yr. Honor, you would tell us so, and make way for a Successor. Your Letter of May 31st was listened to with gravity, and commented upon with approbation as well by former Cons as by constant Pros. Mercer owned he conceived *new* Ideas of you, and he looked Repentance. He has a curious Correspondent, a Brother of the same name in France who is very ready wth. his Opinions on our Affairs there. I would have you know his real Business. It has been hinted to me that he is in Pay as a Spy upon our Agents at Court.⁴

I cannot but hope to find you very speedily in America. I think it highly interesting to yr. Suit that you should be on the Spot.

The Circumstances of yr. having only 3 Months allowed after yr. Recall may prevent you from waiting the Arrival of the *Confederacy* with Mr. Gerard etc. I have therefore covered to Mr. Bonfield and Mr. Schweighauser what is for you of Importance by that Opportunity which is expected to sail in a very few Days. I really cannot send Copies of the Many Sheets put up to go by her.

Doctr. Shippens Family are in Health. Your Friends in Virginia were so Sept. 25th.

Your affectionate humble Servant

J L

602. JAMES LOVELL TO ARTHUR LEE.¹

private

Octr. 14th. 1779

Dear Sir

By Letters from Mr. Bonfield of the 30th of June and 22d of July I do not discover that you were gone to Spain as has been reported, nor do I know by them that you were yet in France a Copy of yr. Letter to the Presidt. of Congress to which the inclosed Resolve refers, has come to hand dated June 5th from Paris. I had been hoping that the late Turn in the affairs of Spain would have been embraced by you so far as that you would gain an Acknowledgement of us openly if not conclude a Treaty, before Mr. Jay could perform his Voyage.

Many Things have concurred to give force to the Schemes of yr. inveterate Foe. But I lament most of all the Length of Time between the Dates and Receipt of yr. Letters. The principle on which you asked to be recalled May 31st governed the Votes of some good men in the Business of appointing a *Minister Plenipotentiary* in Lieu of a Commissioner, and in their consequent Ballot, while others went on *fas aut nefas*. Some of the Delegates of Virginia have conceived as they say new Ideas of you from yr. Letter, particularly Mr. Mercer who has a curious Correspondent *near* our *Plenipo* at Paris. I Pray you to get and bring with you accurate accounts of the *real* Business of that Correspondent at this Time in France. He is Brother of the Delegate of the Same Name. I am told he is a Spy on our affairs.²

⁴ George Mercer?

[602]¹ Harvard Univ. Lib., Lee MSS., VI. 124.

² The remainder of the letter is nearly identical with the corresponding passages in the preceding letter of the same date.

603. SAMUEL HOLTEN TO THE PRESIDENT OF THE MASSACHUSETTS COUNCIL (JEREMIAH POWELL).¹

PHILADELPHIA Octr. 15th 1779

Sir,

The inclosed address, from the Legislative Council and General Assembly of the state of New Jersey, came to hand a few days since; which I do myself the honor to transmit; the representation made to Congress therein mentioned, respecting the utility (etc) of the measure, is now under consideration of a Committee of twelve; being a member from each state.²

The late application from the hon'ble Board to Congress, respecting the Penobscot affair, is referred to a Committee.³

604. JOHN ARMSTRONG TO GEORGE WASHINGTON.¹

PHILADA: 15th Octobr. 1779.

Dear General

. . . . It has not been in my power with any degree of facility, yet to get in the farther *substance* for the General Officers of the Army, but a good foundation is laid for it, and a short time will bring it on I hope to their satisfaction without the necessity of a memorial.² A farther provision for the surgeons of the Hospital, has been already committed and will probably soon be reported.³ Mr. Gerard and Mr. Jay sets out in two or three days. preparations for foreign Courts and the revision of some points formerly determined, has of late much engrossed the attention of Congress, in which I cannot but apprehend that rather hard measure has fallen to the Lot of Dr. Lee. The Late appointment of Mr. John Adams may serve as a sponge to wipe of the stain of culpable neglect, a tryal this sufficient in my Opinion to all that gentlemans gravity and plain brown hairs

I am now leaving Congress having exerted the last dregs of any remaining talent I had under various impediments. Finance, (for which I never had any talent) is the only present ghost that stares every honest man in the face. Taxation, altho' the radical means of appreciation as well as of the payment of publick debt, is a remedy too remote for our support the disease has ran too long to be overtaken by any common cure. A general Regulation of prices by Law is said to be impracticable. I have therefore wished to throw out some higher inducement to money holders on lone than any yet offered rather than the Ship shou'd get aground, but a large majority thought the present offers sufficient to procure all we shou'd want untill supplied by Tax. the expectation is futile and without political foundation. I presume however that some new push

[603]¹ Mass Arch., CCI. 365.² Cf. nos. 592, 594, *ante*, and nos. 610, 642, *post*.³ See the *Journals*, Oct. 4, 21, Nov. 16, Dec. 28; also nos. 642, 652, *post*.[604]¹ Library of Congress, Letters to Washington, XXXIV. 122.² See the *Journals*, Oct. 19, Nov. 18, Dec. 1, 31. Cf. nos. 613, 623, 655, *post*.³ See the *Journals*, Oct. 19, 22, 27, 28, Nov. 16, 19, 20, 22.

will be made for a foreign Loan.⁴ Retrenchmt. of expences is in it's place highly necessary and sooner or later a great share of the burthen of such a plan is likely to fall upon you, which rather ought to be done by others. . . .

605. JOHN FELL, DIARY.¹

[October 15, 16, 1779.]

Friday 15 Octor. Com'l Committee Congress. Mr. Jay requested leave for Lt. Coll. Livingston² to goe with him to Spain, a furloe was granted for 12 Months

Marine Committee

Saturday October 16th Com'l Committee Congress. After the dispatches etc. were read,³ Congress went in to a Committee of the whole on a Report for obtaining a Loan for 5 Million of Dollars and having the same sold in Bills of Exchange or laid out in the Purchase of Goods to be disposed of by order of Congress, with a long train of Commissioners etc. after debate adjourned⁴

606. NATHANIEL PEABODY TO JOSIAH BARTLETT.¹

PHILADA. 18th Octobr. 1779.

Dear Sir

. . . . Mr. Lowell from Boston is now here upon Some meratime Causes and Gives it fully as his opinion that the first Grant must inevitably hold the Lands against all Subsequent Claims. I Should write you particularly respecting The Vermont affair but Suppose Genl. Whipple, who is fully possed of that affair, will personally give you every Necessary information upon that head. no official News here from Count D. Estaing Since the first account of his Comming on the Coast of S. Carolina tho' reports about Town are that he has wholly exterpatated the British Troops and Tories in that Quarter of the world. I hope Soon to have this report Confirmed, that the way may be open for future Success.

Monsr. Gerard, and Mr. Jay with their attendance this day left Philada. for Europe I forget whether I have inform'd you that Mr. J. Adams of Boston was Elected Minister Plenipo. to Negociate Treaties of *Peace* and Commerce with G. B——n and Mr. Danna for his Secretary, Mr. Jay minister Plenipo. for the Court of Madrid, and Carmichael his Secretary and Col. John Laurence Sec'y to the Court of Versailles, the particulars of which I have forwarded to Genl. Whipple. These things are most upon the Secret Journals but if I had a Sure Conveyance would Transmit you many matters that might be agreeable, and yet Safe when in your hands Tho you, as well as others, are not wholly exempted from

⁴ See the *Journals*, Oct. 15, 18, 21, 26, Nov. 8, 19, 23, 26, 29. Cf. nos. 636, 672, 674, *post*.

[605]¹ Library of Congress, Journals and Diaries.

² Col. Henry Brockholst Livingston. See no. 553, *ante*.

³ Holten enters under Oct. 16, "We have a report that the enemy in Georgia are all made prisoners".

⁴ See the *Journals*, Oct. 15, 16, 18, 19, 21, 26, and nos. 608, 611, 617, *post*.

[606]¹ Dartmouth College Lib., Bartlett Corr., vol. II. ("no. 12").

Companions who if I am not mistaken are of Such a kind, benevolent and Religious Temper and Disposition, as to Embrace every opportunity, in giving friendly advise and intelligence, even to our *Enemies*!! You'll please to observe, I dont Say you have a *Man* in your Secret Councils that is of Such a Religious Turn of mind. Some Suspicions you and I formerly had of Certain Persons I think were not ill founded. Congress have Call'd for a Tax of 15, million dollars pr. month for nine months Commi'n'g on the first of feby. Next and Ending in ocr. in the apportioning of which among the Several States, by a Committee of which I had the hon'r of being a member, with much difficulty the Quota of New-Hamp'r was Reduced one hundred thousand dollars pr. Month below its former proportion. I am uncertain how much advantage it will be to the State, as what we overpay will be placed to our Credit on interest, on the Contrary Shall be Charged the interest of any Sum we may finally be found in arrears² Congress have recommen[d]ed the 2d Thursday in Decr. next to be observed as a day of Thanksgiving throughout these States. I have the hon'r to inclose you the Copy of a Letter from Mr. J. A. which will give you the fullest accot. of the real Situation of Europe last Spring or rather in the Summer, I think the letter was dated in July or augt. 79,³ which I find is omitted in the Copy. Genl. Whipple has Carried a Copy with him So that it is very probably you may have read it before this reaches you, however as it Contains So many useful observations, hope tho' late will not be Disagreeable to you.

my knowledge of your prudence forbids the necessity of hinting that the afore mentiond Letter is Transmitted in Confidence, and not to be made Public.

P. S.

607. THE COMMITTEE OF FOREIGN AFFAIRS TO WILLIAM CARMICHAEL.¹

PHILADELPHIA 18 Oct. 1779.

Sir

I enclose to you copies of some resolves respecting the examination of accounts in Europe by Mr. Johnston.² It appears to me to be a very undefined sort of business as it has been managed, but in respect to that Gentleman's attestation and recompence, such as it is, I beg you would communicate one of the copies to Dr. Franklin, and one to Mr. Johnston. Ask the Doctor to let Certified Copies be sent to all who he knows ought to have them, as I shall only forward by other opportunities a number sufficient to secure arrival at his hands in case you should be unfortunately obliged to throw your papers overboard. *Deus Meliora*.

² See the *Journals*, Oct. 7, and no. 598, *ante*.

³ The reference is to Adams's letter of Aug. 4. See no. 513, *ante*.

[607]¹ Library of Congress, Papers Cont. Cong., no. 79, vol. I., f. 262 (Letter-book copy).

² The proceedings enclosed were presumably the resolve of Sept. 28 to appoint a person to examine the accounts of the commissioners and others in Europe, and the election, Sept. 29, of Joshua Johnson to that position. See no. 568, *ante*.

608. JOHN FELL, DIARY.¹

[October 18, 19, 1779.]

Monday the 18th Octr. Com'l Committee Congress. after the dispatches, went in to a Committee of the whole when the Loan was agreed to and some Persons Put in nomination for Negotiating the Loan and a long debate about Imposing the goods.²

Tuesday 19th. Com'l Committee Congress. After the dispatches, went into a Committee of the whole, when the Question was put abt. Imposing the goods carried in the Negative per a great Majority Afterwards a Printed Report of an other Committee was read, (full of complex'd Idieas)³ Committe[e] Rose and had leave to sitt again. After some motions made in Congress Adjourn'd; Mr. Huston came today⁴

P M Marine Committee

609. HENRY LAURENS TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, 19th Octob., 1779.

Dear Sir,

Since the date of my last of the 26th Septem. I have not been honoured with any of your Excellency's favors. After repeated tenders to Congress of the letters which your Excellency desired should be presented to the House, I obtained about a week ago a commitment of them without reading. Yesterday I put them into the hands of Mr President Huntington, when they were read and again committed, therefore they are now out of my reach, otherwise they should have accompanied this;² the trans-

[608]¹ Library of Congress, Journals and Diaries.

² See no. 605, *ante*, and under Oct. 19, below; also nos. 611, 617, *post*.

³ The committee of the whole also had under consideration the report of the committee on departments (referred Oct. 18), which is doubtless the report to which Fell here alludes. The report is found in the *Journals*, July 23 (see no. 441, *ante*, also the Bibliographical Notes, p. 1457, and Evans, *Am. Bibl.*, vol. VI., no. 16632).

⁴ William Churchill Houston, delegate from New Jersey. He had been absent probably a week or ten days. See no. 600, *ante*, and no. 611, *post*.

[609]¹ Mass. Hist. Soc., *Collections*, seventh ser., II. 444.

² See no. 550, *ante*. Governor Trumbull had submitted some correspondence between himself and Lieut.-Col. J. G. Diriks and with Baron Van der Capellen respecting a loan from Holland. (Concerning Diriks, variously called also "Derricks", "Derick", "Dirck", and "Dircks", see these *Letters*, vol. III., no. 457, and the *Journals*, Nov. 23, Dec. 15, 29, 1779; also *ibid.*, 1780, *passim*.) On Oct. 13 this correspondence was referred to a committee (Laurens, Jenifer, and Woodbury Langdon), to whom were joined two members of the committee for foreign affairs, Witherspoon and Lovell. Oct. 15 the committee made a report, an outcome of which was the decision to send a commissioner to Holland to negotiate a loan, Henry Laurens being chosen for that mission Oct. 21. Trumbull replied to this letter of Laurens Nov. 1 (Mass. Hist. Soc., *Collections*, seventh ser., II. 449), sending another letter of Van der Capellen to be translated, but when his letter arrived Laurens had departed. See also a letter from Trumbull to Huntington, Dec. 13, one from Governor Livingston of New Jersey to Trumbull, dated December, 1779, together with a letter from Baron Van der Capellen to Livingston, July 16 (*ibid.*, pp. 458, 466, 468), and Huntington to Trumbull, Jan. 6, 1780 (*ibid.*, III. 3; also the next volume of these *Letters*). Some correspondence between Van der Capellen on the

lation of the Dutch book goes on slowly.³ Mr. Mecklenburg, who was so obliging as to undertake to get that work performed, says the translator is nevertheless not idle.

I should have explained on the first above mentioned commitment by saying the Committee had made a favorable report on the letters and then returned them into my hands. I was desirous because you seem to have been so, and because the letters deserved attention, to have them read in full Congress. This was done yesterday and thence came the second commitment. . . .

Your Excellency's packet addressed to the Baron Van der Capellen is committed to the protection of Monsr. Gerard, with a particular request to convey it in such manner as to avoid a heavy expence of postage. M. Gerard is now on board the *Confederacy* at Chester, and will sail with the first fair wind, probably this day.⁴

If the intelligence which we have received through various channels of the Count d'Estaing's success at South Carolina and Georgia shall prove true, those States will enjoy a temporary tranquility and the enemy will feel the weight of a heavy loss and severe mortification; according to those accounts, we have ground for expecting to hear of the Admiral's arrival at Sandyhook or Rhode Island to day or to morrow. All this looks very fair, but alas! alas! we are threatned with an empty Treasury before the 1st day of December. Vigoros and virtuos exertions of the citizens of these States, immediately put into action, must so far heal the wound given by rash, bad policy as to save us from a violent convulsion. Your Excellency has before this day seen the plan of ways and means; the medicine is rather rude, but if it be taken in time and in chearful spirits it may produce much relief, but cannot perform a radical cure; how is that possible when the expenditures continue to increase beyond the stretch of the amazing expected returns of 15 Mil. per month. It will however afford us a little time for breathing and recollection, and will stimulate the States to look a little more narrowly into things which concern their temporal salvation.

one hand and Trumbull and Livingston on the other, as also with other Americans, is to be found in *Brieven van en aan Joan Derck Van der Capellen van de Poll* (Historisch Genootschap, *Werken*, No. 27), edited by W. H. De Beaufort. Bearing particularly upon matters of present concern are: Van der Capellen to Trumbull, Dec. 7, 1778, July 6, 1779, accompanied by a letter to Livingston (of which the letter of July 16 mentioned above is a duplicate, though given a later date), Livingston's reply, Mar. 15, 1780, and Van der Capellen's reply to him, May 25, 1781 (pp. 84, 108, 111, 213, 246). See also these *Letters*, II. 400 n., III. 365 n. Letters of Van der Capellen relating to the question of an American loan are also found among the Franklin Papers (see I. M. Hays, *Calendar*).

³ See no. 550, note 3, *ante*.

⁴ "Three days since Mr. Gerard and Mr. Jay sailed for France" (William Sharpe to Governor Caswell, Oct. 24, *N. C. State Recs.*, XIV. 213). Cf. nos. 595, 606, *ante*, and no. 617, *post*. The *Confederacy* was seriously disabled in a gale off New Foundland Nov. 7 and steered for Martinique, arriving at St. Pierre Dec. 18 or 19. Gérard and Jay took passage thence Dec. 28 in the *Aurora*. A detailed account of the troublesome voyage is given by Jay in letters to Congress and to Franklin (Wharton, *Rev. Dipl. Corr.*, III. 432, 435, 436, 446, 448, 450, 470).

610. WOODBURY LANGDON TO THE PRESIDENT OF NEW HAMPSHIRE
(MESHECH WEARE).¹

PHILADELPHIA Octobr. the 19th 1779

S'r

The circular Letter refered to in my last I neglected to send at that time but have herein inclosed it, tho' you must have received one long ago from the President of Congress. inclosed is also a Paper from the State of New Jersey which I am desired by the Delegates from that State to forward. the Subject therein recommended is now before Congress but what will be the result of their deliberation thereon is very uncertain but I think it must be clear to every man for obvious reasons and late and repeated experience that it is very impolitic for any particular State to regulate Prises unless it becomes general throughout the united States and in determining *that* Question I hope that Wisdom and Prudence will direct.² . . . I have also inclosed the *Journalls* of August and shall continue to forward them to you monthly for the future while I remain here. I shall send you the *Journals* from the date of those sent by General Whipple to the present time when they are ready and there is an opportunity (they are not yet printed for part of the year 1777 and the whole of the year 1778). . . .

611. JOHN FELL, DIARY.¹

[October 20, 21, 1779.]

Wednesday Octr. 20th. Com'l Committee Congress A number of dispatches Reports from Committees etc. A Report for the form of the Prayer to be used on Thursday the day of Decr. was read and agreed too,² (Mr. Huston gone home having had an acct of the death of his Child)

Thursday Octr. 21st. Com'l Committee Congress Some dispatches and several Reports from Committees.³ Order of the day for Balloting for a person to be sent to Europe to Negotiate a Loan Mr. Laurens was appointed Mr. Laurens 8 Votes, Mr. Adams 3.⁴ (NB Mr. Scudder)⁵

[610]¹ Copied from the original, then in possession of Mr. Stan. V. Henkels.

² The New Jersey representation relative to the limitation of prices was presented to Congress Oct. 11. See nos. 592, 594, 603, *ante*, 642, *post*.

[611]¹ Library of Congress, Journals and Diaries.

² The "recommendation" for a general thanksgiving December 9 is in the *Journals*, Oct. 20.

³ One of the reports brought in this day was that of the committee on the memorial of Gideon Olmstead relative to the case of the sloop *Active* (see nos. 57, 91, *ante*). The committee, which was appointed Sept. 29, consisted of Root, Paca, and Laurens. It was probably in connection with the deliberations of this committee or its report to Congress that Laurens offered the following resolution (S. C. Hist. Soc., Laurens Papers, Congressional, undated):

"Resolved, that from and after this day the Captors of all prizes made by any Ship or other Vessel in Continental service shall be entitled to and enjoy the whole amount or value of such prizes without deduction any Resolve of Congress to the contrary notwithstanding."

⁴ See nos. 605, 608, *ante*, and no. 617, *post*.

⁵ That is, Mr. Scudder had returned to Congress.

612. SAMUEL HOLTEN, DIARY.¹

[October 20, 21, 1779.]

20. I met the Committee and we prepared a Proclamation for a day of General Thanksgiving.

21. I attended the committee on General Arnold's affairs.

613. GOUVERNEUR MORRIS TO GEORGE WASHINGTON.¹

PHILA'A 21st Octr. 1779

D'r General,

Two Days ago I was placed on a Committee to report the necessary Provision to be made for Officers not heretofore provided for. I recollect at present the general Officers and Erskine's Corps (The Surgeons are already reported and the Report set down for this Day when as the Devil will have it I cannot attend) but as it would produce many Inconveniences to make this Provision which Congress intend to be general in any Respect partial I am sure you will pardon me the Liberty of requesting your Thoughts as to the two Points 1st—who farther shall be provided for and 2ly—what Provision all things considered is properly consistent with the last step taken by Congress relative to the Line.² most sincerely I am
D'r Sir

yours

GOUV MORRIS

P. S. I recollect that it is long since I received a letter from you recommending Union in Congress.³ I could not answer it then as I wished for I could ⁴ *truly* say it existed or was like to exist. I would not go into a Detail of the Reasons it would have envolved too much Egotism and of Consequence could not have been quite impartial. At length let me congratulate your *virtuous Moderation* (I do not compliment) that we are united as much as is safe for the Public.

614. JOHN FELL, DIARY.¹

Friday October 22d 1779 Com'l Committee Congress. Memorials, Letter[s] Treasury Reports etc.

Saturday 23d. Com Committee Congress. After the dispatches the order of the day on the Report for the Sallerys of the Treasury B'd agreed as follows That the Commissioners and other Officers have their Places

[612]¹ *Essex Inst. Hist. Colls.*, LVI. 29.

[613]¹ Library of Congress, Letters to Washington, XXXIV. 126.

² See the *Journals*, Oct. 19, Nov. 18, Dec. 1, 31, also no. 604, *ante*, and nos. 623, 655, *post*. Washington's reply to this letter, Nov. 6, is in the Library of Congress, Washington Manuscripts.

³ The letter referred to was probably that dated May 8, in *Writings* (ed. Ford), VII. 449.

⁴ Morris must have inadvertently omitted the negative. Apparently he meant to write, "I could not truly say", etc.

[614]¹ Library of Congress, Journals and Diaries.

during Pleasure. (Resolve Past some time since that the Election should be annual)² Sallerys per annum.³

Sunday October 24th. Rainy Day

615. SAMUEL HOLTEN, DIARY.¹

[October 22-24, 1779.]

22. I met the committee on the Post-office and the com't of 12² and the com't on Gen. Arnold's accounts.

23. Congress settled the Salarys of the new board of Treasury. I attended the com't on the Post-office.

24. Sabbath day. I drank tea with the Governor of this state.

616. DANIEL OF ST. THOMAS JENIFER TO THE GOVERNOR OF MARYLAND (THOMAS JOHNSON, JR.).¹

PHILA. Octr. 25th 1779.

My dear Sir,

. . . . Congress have applied for Loans in Europe and lately inforced their applications, and there is now some prospect of Success.

I have still hopes that the Back Lands, at least a considerable part of them, will come under the direction and disposal of Congress. . . .

I did intend to set out for Annapolis on to day, but the business I mentioned in my last not being yet brought before Congress, owing to the Absence of Mr. Witherspoon, I have determind to stay all the week rather then leave this business unreported.² I must therefore request the Senate (should I not be down in time) to choose a President in my room. By Thursday the 4th of Novr. if God spares me I shall be down in the meantime I am with the greatest affection and esteem

D'r Sir Your friend and Servt.

DAN OF ST. THOS. JENIFER

617. JOHN FELL, DIARY.¹

Monday October the 25th 1779 Com'l Committee Congress. Letter from Genl. Washington dated 21st advising that the Enemy had Evacuated Stoney and VerPlancks Point, and Reported they were going to leave Rhode Island. Report from the Committee with Instructions to Mr. Laurens to Negotiate a Loan²

² The ordinance establishing the board of treasury, July 30, had provided for annual elections. See no. 592, *ante*, and the *Journals*, Oct. 20, 23.

³ Fell sets down here the list of salaries as provided for in a resolution of this day.

[615]¹ *Essex Inst. Hist. Colls.*, LVI. 29.

² The committee appointed Oct. 11 on the New Jersey representation.

[616]¹ Md. Hist. Soc., Red Book, V. 8; *Arch. of Md.*, XXI. 566.

² The business was evidently the report of the committee on the memorial of George Morgan. The committee, of which Witherspoon was chairman, was appointed Oct. 8 (see the *Journals*, Sept. 14). Witherspoon returned to Congress the next day after this letter was written, and the report was brought in Oct. 27. See, further, the *Journals*, Oct. 29, 30; *cf.* nos. 522, 527, *ante*, and nos. 622, 628, 629, 632, 639, *post*.

[617]¹ Library of Congress, *Journals and Diaries*.

² See nos. 605, 608, 611, *ante*, and under Oct. 26, below.

Tuesday 26th Octr. Com'l Committee Congress After some dispatches were Read the Report for Instructions to Mr. Laurens was taken up and debated the whole day to no Purpose

P M Marine Committee NB. Dr. Weatherspoon³

*Confederacy*⁴ and *Eagle* Packet Sailed this day from the Capes

618. JAMES LOVELL TO RICHARD HENRY LEE.¹

Octr. 26th 1779.

Dear Sir

. . . . I shall attend to what you say of the Post Office And a Report is this Day in Train. I hope the office will have added to it all or most of the present Expenditures for Expenses; or rather, that the office will be *enriched* with one twentieth Part of that *enormous Sum*.²

You must e'er this have heard of the *Secretaries*, and Joshua Johnson to examine accounts. But as Mr. Laurens is going to Holland I think he will be able, if directed to scrutinize many Things in France also.

I have nothing from Mr. Jno. A and Fra D yet. But if the latter refuses I understand that Gov. M and Sr. J J are desirious of filling that Vacancy, or the principal one if J A refuses. I would even strive, *therefore*, for the 2d place.³

I hope I shall have more leisure to write by next Opportunity.

Yr. affectionate Friend and humb. Servt.

J. L.

619. NATHANIEL PEABODY TO THE PRESIDENT OF NEW HAMPSHIRE (MESHECH WEARE).¹

PHILADELPHIA Octor. 26th 1779

My Dear Sir

. . . . The affair of Vermont is a matter of Serious Consideration for if I can Judge by present appearances, that District will finally be adjudged, either to N. Hamp're or N. York, and not to be a separte Jurisdiction. It therefore becomes Necessary for the State of N. Hamp're to Exert every Nerve to prevent a State by her vast Extent of Territory, and still Greater Claims, already Troublesome to her Neighbours and Tyranical to the last degree over all such as are the unhappy victims of their resentment, from Extending Jurisdiction so as to Circumvolve the State of New Hamp're however I rest assured that the wisdom of the General Assembly is Equal to the importance of the undertaking, and it might Justly be stiled Arrogance in me to pretend to point out a mode of procedure for them. my worthy friend Genl. Whipple is able to give the

³ That is, Witherspoon had returned to Congress. He had been absent since Oct. 14. See no. 600, *ante*.

⁴ *Cf.* nos. 595, 606, 609, *ante*.

[618]¹ Univ. Va. Lib., Lee Papers.

² See the *Journals*, Oct. 23, Dec. 1.

³ *Cf.* nos. 553, 554, 557, 569, *ante*. The names above are John Adams, Francis Dana, Gouverneur Morris, and Sir James Jay.

[619]¹ Mass. Hist. Soc., C 81 A 125; Library of Congress, Force Trans., Weare, p. 124.

fullest account of the most material Circumstances, and I have no doubt but his opinion will be attended to. I imagine there is a Copy of a proposed Act respecting the Grants sent forward to some Gentn. in the State wh. I am far from thinking will suit a N. Hamp're Tast if I can judge of others by my own palate if such a Draught should appear, I beg leave Just to observe to you that it was *hatched* up by N. Y. and Consented to by some who are better acquainted with N. Y. *Air* and Secret designs than I have the *hon'r* to boast of!! I suppose the State of N. Hamp'e Competant without *my* particular *direction* to pass Acts, if agreeable, exactly to Comport with the several resolves of Congress relative to the Grants.²

The Situation of my private affairs is such as makes it exceeding difficult for me to tarry here longer than this fall; and by some *Inuendo* lately dropt by ———³ here have reason to imagine he has been inform'd from some of his friends, that my return home is soon *expected* by the State—however that may be give me leave to assure you with that Sincerity which becomes the Noblest Work of Deity, that I have not a Secret wish to be continued here a single moment longer, and hope some Gentleman will be appointed to take my place whose abilities may be adequate to the arduous Task. Not that I should ever be unwilling to serve my Country at any future period, if I should be so happy as to obtain their approbation.⁴

620. HENRY MARCHANT TO THE GOVERNOR OF RHODE ISLAND
(WILLIAM GREENE).¹

PHILADELPHIA, Oct. 26th, 1779.

Sir,

I was yesterday favoured with your Excellency's Favour of the 12th Instant. I have with the greatest Pleasure communicated to Congress the spirited Measures which continue to be exerted by the Legislature, and by all Ranks and Degrees of the good People, of the State I have the Honor to represent. At the same Time I have not failed repeatedly to represent the Difficulties, grevous Expenses and peculiar Distresses that State hath hitherto sustained. I shall make an Application for a further Supply of Monies on Account:—But as all Supplies are in future to be expected from the States, your Excellency will readily suggest how difficult it may be to procure such an order from Congress. My most strenuous efforts shall not be wanting, and I am confident there will not be wanting a Disposition in Congress to comply with the Request of the State. Yet I dare not flatter myself or the State with any great Success.²

621. JOHN FELL, DIARY.¹

Wednesday Octr. 27. Com'l Committee Congress. Several Memorial Letters and Reports from Board of War and Treasury A Report from

² See no. 598, *ante*.

³ Evidently Woodbury Langdon is meant.

⁴ He adds a postscript to say, "N. B. I will finish this letter the next time I have the hon'r to write". See no. 653, *post*.

[620]¹ R. I. Arch., Letters to the Governors, 1779-1780, p. 17; Staples, *R. I. in Cont. Cong.*, p. 254.

² See the *Journals*, Nov. 12, and no. 651, *post*.

[621]¹ Library of Congress, *Journals and Diaries*.

the Medical Committee for further Provision for the Director General Surgeon Phisicuns etc. in the Army for Substantance cloathing etc.

Thursday Octr. 28th 1779. Com'l Committee Congress. After the dispatches, A Report from the Marine Committee was taken up to Establish a Board of Admiralty consisting of 3 not Members of Congress as Commissioners and two Members of Congress w'th a Secretary. Sallery of the Commissioners 14000 D's per annum and Secretary 10000.

622. JOHN FELL, DIARY.¹

[October 29, 30, 1779.]

Friday 29th. Com'l Committee Congress. After the dispatches etc. were Read, the Committee to whom was Referrd the Memorials of Coll. Morgan and Coll. Treat [Trent] Respecting Lands claimd per Virginia brought in a Report, which Virginia objected to on which a long debate ensued.²

P M Marine Committee

Saturday 30th. Com'l Committee Congress. Resolved to Reccomend to the State of Virginia not to dispose of any unlocated Lands etc.

623. JOHN ARMSTRONG TO WILLIAM IRVINE.¹

CARLISLE, 30th October, 1779.

Dear General,

. . . . Before this time I hope farther provision is made for the substance of the General Officers of the Army, which at leaving Congress² I impressed on the minds of some members who promised suddenly to have it on the carpet, and to which I think there wou'd be no opposition.³ If any uneasiness shou'd arise to you, my advice still is that you write either to Congress directing to the President or to the Board of War, mentioning only the facts and your confidence that justice will be done you.⁴
. . . .

[622]¹ Library of Congress, Journals and Diaries.

² See nos. 522, 527, 616, *ante*, and nos. 628, 629, 632, 639, *post*. Holten records under this date, "Congress spent part of the day considering the Indian affairs". The *Journals* do not mention the consideration of Indian affairs on the 29th, but do record a matter of the sort under Oct. 27.

[623]¹ *Hist. Mag.*, VIII. 17.

² Armstrong obtained leave of absence Oct. 11, but was present Oct. 12. In the beginning of this letter he says, "I reached home about a week ago".

³ See no. 604, *ante*. Cf. no. 655, *post*.

⁴ See vol. III., no. 631; also the *Journals*, May 11, 12, 15, 1779. In a letter of May 15, read in Congress the same day, Irvine presented a claim of rank, primarily as between him and General Hand. Hand had been promoted, he said, while Irvine was a prisoner in Canada, although the latter was the older colonel by virtue of the date of his commission and also according to the state arrangement. Sundry other brigadiers had lately been appointed whom, he believed, he had "a right to the rank of on every principle". See, further, the *Journals*, Jan. 29, Feb. 29, 1780.

624. THOMAS BURKE TO THE NORTH CAROLINA ASSEMBLY.¹

To the Honorable the General Assembly of the State of North Carolina.

Thomas Burke, one of the Delegates of the said State to the Congress of the United States, (his Colleagues being absent,) most respectfully represents:

That, by the articles of Confederation, Nine States are required to consent to every affirmative vote for Peace, for War, and for borrowing and emitting money—and five States, consequently, have a Negative.

That, being now in a state of War, this negative might prevent a peace, tho' offered on reasonable Terms.

That even a smaller number would be invested with this dangerous power, should any one or more of the States be absent, which has happened with respect to Georgia for many months, and may also happen with respect to any which may be overrun by the enemy.

That for every purpose of common defence and common Exertions in the progress of the present War and for the conclusion thereof, the States are unquestionably, united by former acts of the Several States, nor can this union derive strength from a partial Confederacy for the same or other purposes; on the contrary, such partial confederacy may lay the foundation of disunion, or, by seeming to do so, may have such Effect on the hopes of the British Ministry as to induce them to a longer Continuation of Hostilities. The present times are critical, and it seems prudent to decline every thing which may occasion, even an appearance of divided councils; a partial Confederacy must be followed by confusion, the states so confederated, and such as are now so Confederated, could no longer form one Common Council; and separately they could not form or Execute any Common resolutions; in a word, it would destroy the old union.

It is Evident that the Confederacy, formed for thirteen, will not fit a smaller number, and that if a partial Confederacy be found Necessary, the articles thereof must be previously adjusted. The said Thomas Burke, for these reasons and many others, most respectfully submits to the Consideration of the honorable Assembly whether it be Expedient that the Delegates from this State *be peremptorily required* to recommend or enter into any partial Confederacy, pursuant to the instructions and resolutions of the 28th instant? or whether it be more Expedient to empower them to Act as Circumstances may require in a matter of so much Delicacy and Importance whose Consequences cannot now be actually foreseen.²

THOMAS BURKE.

HALIFAX, October 31st, 1779.

625. THOMAS BURKE TO ARTHUR MIDDLETON.¹

HALIFAX, Novr. 1st 1779

D'r Sir

Yesterday your obliging favor was delivered to me by Mr. Rutledge, and I beg leave to thank you for the Introduction of so agreeable and

[624]¹ *N. C. State Recs.*, XIV. 349.

² Concerning the instructions alluded to, see *ibid.*, XIII. 868, 960, 962. For other remarks of Burke upon the Confederation, see vol. II., nos. 739, 740; *cf.* vol. III., no. 162.

[625]¹ *S. C. Hist. and Genael. Mag.*, XXVII. 153.

valuable a Gentleman.² I hope his particular business with Congress will be attended to with the diligence and regard which a Subject so important requires, and I sincerely wish he may be as successful as in Justice and good Policy he ought to be. was I present in Congress he should have all the assistance which I could give him, but as I shall not be able to reach Philadelphia before December, I suppose my feeble Efforts may not come time enough to be of much Service. I cannot say the Complaints of your Country are unreasonable, or entirely unfounded. it cannot but appear Strange to them that a large body of good Troops were employ'd against Enemies so very Contemptible as Indians while your Country was left, almost defenceless. This affair is still involved in mistery—and perhaps your own Citizens or some of them may one day be called on for Explanations. I cannot enter fully into this Subject at present, but I hope such folly will not be repeated in future. The Ill Success of the Expedition against Savannah, Threatens you again with new distresses and difficulties, our Country, I believe will exert themselves to the utmost, but they are very much Exhausted and their affairs appear exceedingly deranged. I wish our Northern Neighbors had made Exertions equal to their Strength and professions.

I know very well the Reluctance with which you must again undertake the business of Congress, but I confess it gives me pleasure to find that you can be prevailed on to perform that Essential Service to your Country. I have often, in the bitterness and Anguish and Indignation, lamented that you stayed away. the representation of your Country was at the time I speak of very different from what it was in your time, and I fear much of the Sufferings of all America, as well as of your own Country is Justly chargeable to some of the Individuals of Congress. This I shall be able to explain to you whenever I shall have the pleasure of a little private conversation with you. . . .

626. JESSE ROOT TO OLIVER ELLSWORTH.¹

PHILADELPHIA NOV^r 1st 1779.

D'r Sir

I recd. your favours of the 13 and 17th ult. with one Inclosed to Mr. Wilson² which I delivered. this day recd. yours of 25th, with the in-

² Middleton's letter, dated Oct. 18, is in *N. C. State Recs.*, XIV. 211. Following is the essential part of it:

"Give me leave to introduce to your acquaintance my Brother-in-Law and very particular friend, Mr. Edward Rutledge. He comes to solicit the attention of Congress to his Country, which, unless aided in such manner as it has a right to expect from the Union, will probably soon undergo a most severe trial, and you must not be surprised at receiving disagreeable Intelligence. The Body of the people complain loudly of neglect in the Fathers of the Continent, and there is no knowing to what lengths their ill humor may carry them, however firmly determined particular characters may be to remain true at every risk to a contract which heaps upon them Burthens without Benefits. We are much obliged to your Country, which has been friendly; I wish I could extend the Epithet further North. Notwithstanding my unwillingness even to re-enter the State House of Philadelphia, I fear I shall shortly be obliged to do it. If I should, I hope to meet you there and some other of my friends, whose presence will render the hard duty much less irksome. Mr. R. will tell you that I have not escaped Scotfree in the late incursion of the Enemy, but 'Salva Republica, salvus sum'."

[626]¹ London, Congregational Library, Sprague Collection.

² Probably James Wilson.

closed paper and thank you for the Communication. our delegation is out this day and we are not Informed of any New appointment³ Conclude the state dont mean to be without a delegation in Congress, shall be glad to be at liberty to return home. however at any rate shall leave Congress the latter end of this Month and depend you will releive me as I conclude you will be reappointed altho. you have Modestly Omitted your own name in the Votes for Nomination. . . .

627. JOHN FELL, DIARY.¹

Monday November the 1st 1779 Com'l Committee Congress. The Instructions and Commission for Mr. Laurens, his Sallery £1500 Sterl'g and a Secretary £300 Sterl'g. Dr. Wetherspoon gone home

Tuesday Novr. 2d. Com'l Committee This day a doubt ariseing whether the Connecticut Delegates could set after the first Monday in this month, and not being Members sufficient without them no Business was done.²

628. CORNELIUS HARNETT TO THE GOVERNOR OF NORTH CAROLINA
(RICHARD CASWELL).¹

PHILADELPHIA November 2d 1779

Dear Sir

. . . . A Resolution of Congress passed yesterday² will be transmitted to Your Excellency to be laid before Our General Assembly, to put a Stop to the further granting of Vacant Lands until the Conclusion of the war. the reason held forth for the adopting this measure, is the very great Emigration of people which will naturally follow the Measure, which I must acknowledge has some weight. But it is a well known fact that the Ostensible reason³ is, that the States at the end of the War, may Appropriate such vacant lands to the benefit of all the States in the union, to enable them to pay the Public debt. Virginia and No. Carolina Opposed this measure, and it is left to the Wisdom of the Legislatures of the States similarly Circumstanced with Virginia, to agree, or not, with this Proposal. I have to request that your Excellency will be pleased to send forward the Delegates to relieve us. It is impossible for you, Sir, to conjecture how *disagreeable* it must be to the State to pay the extravagant expenses we are at here, and how much more *disagreeable* it will be for us to require it. I have called out of the Treasury more than the half of my Salary, and shall be obliged to call for more to enable me to return to my family, where I hope I shall have the happiness to spend the remainder of my days in retirement; my time of life requires it. . . .

³ See nos. 627, 630, 631, 640, 644, *post*.

[627]¹ Library of Congress, Journals and Diaries.

² See no. 626, *ante*, and nos. 630, 631, 640, 644, *post*.

[628]¹ Copied from the original, then in possession of Mr. Stan. V. Henkels; Harvard Univ. Lib., Sparks MSS., XXXVI. 508; *N. C. State Recs.*, XIV. 215.

² The resolution referred to is found in the *Journals* under Oct. 30, not under Nov. 1.

³ Harnett evidently means the *actual* reason. Cf. nos. 522, 527, 616, 622, *ante*, 629, 632, 639, *post*.

629. THE VIRGINIA DELEGATES TO THE SPEAKER OF THE VIRGINIA HOUSE OF DELEGATES (BENJAMIN HARRISON).¹

PHILADELPHIA, NOV. 2d 1779.

Sir,

Our Colleague mr. Smith ² having charged himself with the Copies of the Petitions of the Indiana and Vandalia Companies then before Congress to lay before the House of Delegates of Virginia It falls to our Lot to hand the enclosed to you for the further and full Information of your House as to the progress of that business A Business which we conceive may in Consequences greatly affect the Interest of Virginia in the first place, and ultimately injure the Rights of all the States in the Union.³

Your Hon'ble House may be assured that no pains were spared by the Virginia Delegates to defend the Rights of the State and to prevent Congress from establishing a Precedent so dangerous to the common Rights of the United States, but to how little purpose may be readily discovered, when you are informed that tho' the Committee determined this Case privately and without Notice to any of the Virginia Delegates, and tho' their Report was so expressly counter to the Instruction of Congress, Yet 8 States to 3 were against recommitting the Report.

We must however observe that we understood on that Occasion that some of the Voters agt. the recommitment were agt. the Jurisdiction of Congress, upon Information of the facts laid before the Committee which were read in Congress and not denied. But we are sorry we are obliged to say, that Congress were so determined to proceed upon this business agt. the Rights of Virga. that on the next day, tho' the business of Indiana and Vandalia was an order of the Day, and we had no Doubts the said Petitions wou'd be rejected, we discovered the Members for this business had changed their Ground and not only declined proceeding on the Resolution of the Committee, thereby meaning to retain that pretence for interfering in this Business, But were also pleased to pass the Resolution of the 30th a Copy of which is now subjoined to the other Proceedings.

You'll please observe that the ostensible Motives for this Resolution expressed in the preamble by the words *much Mischiefs* were understood to be the Clamours of Maryland and the discontented States of Jersey and Delaware, and the general Inconvenience of weakening the United States by encouraging Emigrations to parts remote from the defence agt. the common Enemy. the later assertion being thought improper for the public knowledge, was avoided and thought to be sufficiently expressed in the words before alluded to.

We have been thus particular in the detail of this business that your House being fully informed may consider this business on its true Prin-

[629]¹ Copied from the original, then in possession of Mr. Stan. V. Henkels.

² Meriwether Smith obtained leave of absence Sept. 28. See no. 571, note 2, *ante*.

³ Memorials of the Indiana and Vandalia companies, presented through their agents George Morgan and William Trent, came before Congress Sept. 14, and a committee was appointed upon them Oct. 8. The committee made a report October 27, which was taken into consideration Oct. 29, and a consequent resolve adopted Oct. 30. *Cf.* nos. 522, 527, 616, 628, *ante*, and nos. 632, 639, *post*.

ciples without regard to the misconduct of Congress, and adopt such Resolutions thereupon as they may think consistant with the Interest of Virginia and the united States.

We have the Honour to be, Sir

Yr. most obedt. and very huble Servts.,

C. GRIFFIN

JS. MERCER

W. FITZHUGH ⁴

⁴ Mercer and Fitzhugh were chosen to serve until the first Monday in November (see the credentials in the *Journals*, July 22). Accordingly they did not attend Congress after Saturday, Oct. 29. Following is Mercer's account for attendance (Va. State Lib., Executive Papers):

"1779. Dr. The State of Virginia in Account with James Mercer.			
Sept. 3	To Tavern expences and Ferriages from Freb'g to Congress pr. Journal	84	4 4
11	To 1 Nights expences of 2 Horses 1 Servt. at City Tavern Philadelphia	7	16
17	To paid for washing.....	7	4
19	To Mrs. House part of one weeks board.....	42	
	To Market expences this week Mr. Fitzhugh and self each half my part	63	6
26	Do.	85	13
Oct. 9	Do.	71	
16	Do.	69	3
	To Palmer for Rum Wine etca. the whole time my pt.....	123	2
	To House Rent 1 quarter—my part.....	25	1
23	To Market expences this week.....	59	12
30	Do.	35	12
Nov 4	To keeping 2 Horses in Continental Stables the whole time..	121	13
	To George Meade Esqr. for Candles.....	28	10
	To expences at Market pt. of a week.....	24	10
	To use of Furniture on Rent per Contract which may prove 50 £ more	6	
19	To Tavern expences and Ferriages 2 Horses and 1 Man from Congress per way of Annapolis.....	231	12
		£1085	18 4
recd.		810	18 4
		£275	

Cr.

By former Drafts on the Virga. Treasury to wit—in favour			
of J. F. Mercer.....		150	
of Majr. Dick.....		600	
of J. F. Mercer.....		61.2	
Balla. due Jas. Mercer.....		811	2
		910	16 4
		£1721	18 4

E—Excepted Js. Mercer

Wmsb'g, March 24th 1780.

750		
60	18	4
810	18	4

Memorandum—there is an Acct of Continental Qur. Master for some Flour, wood and Salt which Mr. Wm. Fitzhugh paid and which I do not know, therefore when he settles Allow him the whole charge, which will save further charge by J. Mercer.

Sworn to before Thos. Everard 25 March 1780

The following order from Mercer "To the Treasurer of Virginia or whom else it

P. S. I beg the House to be informed that I was directed by the Com'ee on my first Conference with them, to commit my objections to writing, and forbid to mention any thing of *Charters or prior Treaties with Indians* which Rule I adopted to prevent their having any pretence for going into the Merits of the Treaty of Fort Stanwix on which the Indiana Company founded their Claim.

JS. MERCER

[Addressed:] The Hon'ble The Speaker of the House of Delegates of Virginia

630. SAMUEL HOLTEN, DIARY.¹

[November 3, 1779.]

3. Congress have done no business these two days past on account of the state of Connecticut not being represented, the Prest. being from that state.² I dined with the Hon. Mr. Griffin.

631. JOHN FELL, DIARY.¹

[November 3, 4, 1779.]

Wednesday 3d. Com'l Committee This day no Business done for the reasons mentioned Yesterday

Thursday 4th. Com'l Committee The Secretary did Business to day in the absence of the President.

P M Marine Committee

may Concern", dated at Philadelphia, Oct. 24, 1779, is explanatory of two of the credit items in the account:

"Please to pay Capt. Alexander Dick two thousand Dollars which please to place to my allowance as a Delegate to Congress, not hav'g drawn any money here on that Account, this and a former draft for 500 Dollars in favour of my Brother Majr. Mercer, amount to less than the state of Virginia owes me on that Account." Figures in the lower margin convert the 2000 dollars into £600 (Va. State Lib., Executive Papers).

A note from Mercer to the governor Oct. 23, requesting his signature to an order that he may obtain a warrant on the treasury, bears a memorandum by Jefferson pointing out that, according to the act, the auditors and not the governor are to give the warrant (*ibid.*).

Following is an expense account of William Fitzhugh (copied from the original, then in possession of Mr. Stan. V. Henkels):

"1779 Dr. the State of Virginia, in Acct. with William Fitzhugh			
Sepr.	To Expences in travelling to Philadelphia.....	£186	9
"	To Domestic expences in Philadelphia.....	591	9
"	To extra charges Horses etc.....	486	5
Novr.	To Expences travelling from Philadelphia.....	688	18
		£1953	1 0

"E. E.

W Fitzhugh."

[630]¹ *Essex Inst. Hist. Colls.*, LVI. 30.

² See nos. 626, 627, *ante*, and nos. 631, 640, 644, *post*.

[631]¹ Library of Congress, Journals and Diaries.

632. THE NORTH CAROLINA DELEGATES TO THE GOVERNOR OF NORTH CAROLINA (RICHARD CASWELL).¹

PHILADELPHIA Novr 4th 1779.

Sir

We have the honor of sending inclosed to your Excellency a copy of sundry Acts of Congress, in which we conceive the State over which you preside and that we have the honor to represent in Congress is both directly and indirectly interested; and on which we beg leave to make a few remarks.

The principle on which the Indiana company found their memorial is, that the Territory which they claim is not within nor subject to the Jurisdiction of either of the States, but to the whole United States in Congress Assembled, a principle which we humbly conceive by no means admissible, it being against one of the principles of the general union. This controversy is not between two States, but between one State and individuals; therefore we are of opinion that Congress, more especially in an unconfederated state, has not jurisdiction, and if Congress has no jurisdiction, consequently it was an improper subject for their deliberation, which was the foundation of the objection against committing it to a special Committee; nevertheless you may see *that* was overruled by a majority on the 14th of Sept. last. Two or three States objecting to ballot for a Committee was the reason why that subject lay dormant until the 8th of Oct., at which time a Committee was appointed with an instruction to report first on the question respecting the jurisdiction of Congress; it being thought by some as a proper and necessary preliminary. You will please to observe how cautiously that matter was evaded in the Committee's report, which brought on the question for recommitment in order that the Committee should pursue the direction of Congress. We need only refer you to the Journal of that day, Viz., the 29th of Oct., for the farther explanation of the report of the Committee.

On the next day you may observe that to cut the matter short a sett of propositions were moved instead of the report, and were found to be in Order as appears by the Journal.

On the whole it appears to us that there are great jealousies particularly respecting Virginia's extensive claim of Territory and generally of the other States under similar circumstances. We are induced to believe that with many the question respecting the justice or injustice of the claims of the Indiana and Vandalia companies is not so much in View as that of laying down some principle or pursuing such a line of conduct as may be most likely to obtain the main object, namely, that Congress shall have the disposal of all the unappropriated lands on the Western frontiers of these States and that such lands may become the common property of the whole. We believe that at present the representatives of some States do not wish Maryland to confederate, hoping that by some means or other

[632]¹ Library of Congress, U. S. R.; *N. C. State Recs.*, XIV. 216 (with the signature of Sharpe only, and lacking the postscript).

those States who Claim the back Lands may be prevailed on to surrender them.²

According to present appearances, Newhampshire, Massachusetts bay and Connecticut who formerly insisted strenuously on their claim to Lands Westerly, are indifferent about them.

The Legislature of Maryland at their last Session advised their Constituents to give them explicit instructions on the subject of confederation, against the Session which is sitting. What effect that measure will produce is not yet known to us.

These things we think our indispensable duty to communicate through your Excellency to the Legislature of Our State, as a subject worthy their serious attention; and we beg leave to reiterate our wishes that their Delegates in Congress may be seconded by being furnished with explicit instructions on that subject; as we apprehend it is very probable it may yet be a subject of serious debate in Congress.

In the mean time we shall oppose to the utmost of our power every measure which appears calculated to injure our claim or violate the Charter in which our State has pointed out our Territorial Rights, and over which we have declared the right of our Citizens in sovereignty. . . .

With the highest esteem and consideration, we have the honor to be

Your Excellencies Most obt. Humble Servants,
CORN'S HARNETT
WM. SHARPE

P. S. Mr. Hewes has been confined to bed with sickness five days past and his situation not very promising.³

633. NATHANIEL PEABODY TO JOSIAH BARTLETT.¹

PHILADA. 5th Novr. 1779

Dear Sir

Your favour of the 9th and 20th ulto. have Come to hand, I am extremely obliged by the Continuance of your Letters, and Should have done my Self the Hon'r of writing more particularly if I had Certainly known where to have directed my letters to be left in order that they might find a Safe Conveyance, without the danger of their being intercepted however I have wrote Genl. Whipple Some anecdotes respecting the management of foreign Ambassys, with the names of Persons Elected for that purpose, etc. which as you are acquainted with many Characters here might be Somewhat amusing.² There Seems a little Prospect of obtaining a foreign Loan, in Some of the Low Countrys—our Friend Mr. H. L———n is to negotiate that business. No official Accounts from Count

² See nos. 628, 629, *ante*, 632, 639, *post*.

³ He died Nov. 10.

[633]¹ Dartmouth College Lib., Bartlett Corr., vol. 55 ("No. 14").

² Peabody endorsed Whipple's letter of Oct. 18 (see no. 606, *ante*) as "recd. Novr. 1st. Answered same day as per copy herewith filed". The letter has not, however, been found. Whipple's reply, Nov. 22, is in part as follows:

"I thank you, my Dear Sir, very sincerely for the favorable sentiments and expressions of kindness contained in your very obliging favor of the 1st inst which came to hand by post. I am also much obliged for the history of certain proceedings 'tho I hope the determination you mention on the 'Doctrines of Election and Reprobation' are not intended for established Presidents [precedents]. I have no doubt there is still Virtue enough in America to do some degree of Justice to her Faithfull Servants: The worthy

D-Estaing, Since that of his having beseiged the Savannah. Nor of the movements of the Enemy worth Notice Since their Evacuating R. Island. in Dunlaps Paper of last Saturday you will See a very Curious Manifesto which may be relied upon as authentic altho not officially Recd.³

634. JOHN FELL, DIARY.¹

Friday 5. Com'l Committee Congress. Letter from Genl. Gates acquainting that he took Possession of Rhode Island that 26th Octr. the Enemy having left it the day before

P M Marine Committee²

Saturday Novr. 6 1779. Commercial Committee Congress. After the dispatches etc. a Report of the Committee to answer the Speech intended to be made per the Chevalier Lusern was Read.³

Character you hint at I am sure will rise superior to the dusty grovling machinations of his Enemies whose malice is not confined to him but extends to every object that has the least pretensions to Integrity and Virtue. As there must be a separte appointment for Holland I think the choice is well made tho in my judgment it w'd have been as well to employ Mr. A in that business 'till he has something else to do and I should have been better pleased if Mr. L— had been employed to settle all commercial affairs abroad.

"The Tall Boy will not be hereafter troublesome to you as I hear he has no longer a seat in a Room where he has at least shewn a disposition on some occasions to perplex business. I could wish another person whose heart in my opinion is much more mischievously inclined had also been dropped. that *swivel Eyed* genius will give you much trouble in the Vermont business. I understand Your Colleague intends soon to leave you, but you will not be long alone as Genl. Folsom will set out within a fortnight. I hope you will continue where you are till the Vermont business is compleated. Mr. Livermore is appointed to prosecute the Claim of N. H. but by what I can learn is not to have a seat in Congress. its probable he will be with you in Jany." (Haverford College, Roberts Coll., 720; Hist. Soc. of Pa., Papers of John Langdon, draft, with variations.)

The "worthy character" alluded to was doubtless Arthur Lee. "Mr. A" was presumably John Adams. The "Tall Boy" was probably Gouverneur Morris, who had recently been omitted from the New York delegation (see no. 581, *ante*). It seems less likely that the allusion could be to Jay. See, however, no. 405, *ante*. The "swivel Eyed genius" must have been James Duane (see no. 488, *ante*), for the allusion is pretty certainly to a New York delegate, and Duane was the only one of that delegation, aside from Morris and Jay, who was likely to give New Hampshire trouble in the Vermont business. The reason for the application of such an epithet to him is not, however, apparent.

Whipple had been re-elected to Congress Oct. 29 (see the credentials, in the *Journals*, Dec. 30). Nov. 8 he wrote to President Weare asking to be excused from further attendance at Congress, on account of the pressure of private business (Henkels, *Catalogue*, no. 1139, item 392).

³ There were two proclamations or "manifestoes" in Dunlap's *Pennsylvania Packet* of Saturday, October 30. One was the proclamation of Congress Oct. 20, setting apart Thursday, Dec. 9, as a day of general thanksgiving; the other "A Proclamation for a Day of Public Humiliation and Prayer", put forth by the council of Massachusetts Oct. 15, and designating Thursday, Nov. 4, for the purpose. Just what Peabody regarded as curious in the latter, if it was that to which he referred, is uncertain. It is hardly possible that he alludes to the instructions of the Pennsylvania assembly, Oct. 10, to their delegates in Congress, a document found in the same issue of the *Packet*. One passage of these instructions may nevertheless be pertinently quoted: "Appeals to the world and public recrimination among the confidential servants of the public, we consider as highly derogatory to the honor and interests of these States, occasioning future distrust and suspicion, great waste of time, and kindling animosities and feuds destructive of that harmony and order so necessary for the despatch of public business, and so truly honorable to those who are to conduct it."

[634]¹ Library of Congress, Journals and Diaries.

² Holten's entry for the day is, "I attended the medical committee and the marine board". Under Nov. 6 he records, "The medical committee met in my chamber".

³ See no. 637, *post*.

635. THOMAS MCKEAN TO JOHN ADAMS.¹

My dear Sir,

On my return from the circuit a few days ago I was honoured with your letter of the 20th Septemr. last,² and proud to find that I was not forgotten by one I so much esteem. . . .

Since the date of your letter I suppose you have been fully informed of what has passed in Congress respecting our foreign Ministers, and particularly yourself. You might have been Minister to Spain, which would have been a more permanent Appointment than that of Minister Plenepotentiary to negotiate a peace, but your friends had a greater regard to the interest of their Country than to your's; however I rest assured you will have peace (if to be obtained at all) on such terms, as will intitle you to the gratitude of that Country, and to secure such a proof of it as to render the present employment not only more honorable but more beneficial than the other.³ You have escaped the obliquy but not the jealousy of one of the parties in Congress, tho' the latter is almost done away. I have not been able to find that any of your Colleagues have censured you; they have been rather silent respecting you, tho' Doctor Arthur Lee considers you as an honest man and as his friend. In short he seems willing to submit his conduct abroad to your decision. Upon the whole I really think he has been not well treated either by Messrs. Franklin or Dean, or by Congress. His fate almost renders it dangerous to serve in a public character abroad.

Do not my friend be discouraged by what I have said; difficulties, public and secret attacks, will eternally attend public Characters and high Stations. The man who discharges his Trust with fidelity and according to the best of his abilities will always have the consolation of his own mind (a consolation the world cannot give) and he may be happy in the approbation of his country, but will never be miserable with the want of it—he will always also find a distinguishing, a worthy few, to support and applaud him.

Doctor Franklin, I really believe, would have been recalled last April⁴ only for myself. The intention in some Gentlemen in Congress appeared to me to be the removal of all our foreign Ministers in order to make way for themselves. My fears were, that a change of men, at that critical period, would imply both in Europe and America a change of measures, and I was reluctant to give up old servants for new men, whom I could not so well confide in.

Doctor Franklin still continues Minister Plenepotentiary at the court of Versailles. Colo: Laurens (the son of the late President of Congress) is appointed his Secretary. Mr. Jay is appointed Minister to the court of Madrid and Mr. Carmichael his Secretary. Mr. Laurens was appointed last Monday Commissioner to the United Provinces for the purpose of

[635]¹ Hist. Soc. of Pa., McKean Papers, I. 32. Endorsed: "Rough draft of a L're to the Hon'ble John Adams Esq; Novr. 8th 1779."

² The letter is in Adams's *Works*, IX. 484.

³ See the *Journals*, Sept. 25-27, and nos. 554, 557, 562, *ante*.

⁴ See the *Journals*, Apr. 20-22.

negotiating a treaty of Amity and Commerce, but particularly a Loan of money, and he has the nominating his own Secretary. Your's is the Post of danger and of honor; Our friend Mr. Dana is appointed your Secretary. Nothing more is yet done, but some Consuls must be appointed.

You perceive the freedom with which I write to you. I correspond with none, except officially, but in this way, tho' I am induced to be more free with you, because, notwithstanding I hereby compliment myself, I am certain we have had the same views throughout this whole contest, the good of our country and the happiness of mankind; we have also acted openly and without guile. It will give me great pleasure to hear from you often, and when you are on t'other side the Atlantic I will as frequently communicate what passes here. . . .

I am, dear Sir, with sincere esteem,

Your most obedient humble servant

THOS. MCKEAN

PHILADELPHIA Novr 8th, 1779.

636. WILLIAM SHARPE TO THE GOVERNOR OF NORTH CAROLINA
(RICHARD CASWELL).¹

Sir

PHILADELPHIA Novr. 8th 1779

I have the pleasure of sending you inclosed an Extract of a Letter from Genl. Gates informing of the evacuation of Rhode Island, and an extract of a Letter from Genl. Washington which you will observe ought not to be exposed to public view.² We have no better accounts from Europe than it contains.

We are not a little surprized at the silence in the Southern States. Congress has received no Authentic accounts from that quarter since the Count arrived on the Coast, altho private Letters and other scraps of intelligence give us flattering hopes.

Mr. Laurens is appointed to negotiate a Loan in Holland. A small fund in Europe might be applied so as to have a happy effect on our Finances, by disposing of Bills of Exchange and otherwise.³

The astonishing prices of the necessary supplies for the Army and the low State of our funds are very alarming and does require the most vigorous exertions of all the States.

I am under an almost absolute necessity of being home before the hard of Winter. I hope to see Mr. Penn and some other gentleman here soon. If none have set out, be so obliging as to interest yourself in that matter. our State as well as the others ought by no means to be one day unrepresented. I have the mortification to inform you that Mr. Hewes is in so low a state of health that his recovery is much despaired of. his complaints are Bileous and consumption.

With the highest esteem and regard I am Sir

your Most Obt. Servt.

WM. SHARPE

[636]¹ Copied from the original, then in possession of Mr. Stan. V. Henkels; *N. C. State Recs.*, XIV. 219.

² A letter from Washington dated Nov. 2, relative to the movements of the British, was read in Congress Nov. 8.

³ Cf. no. 604, *ante*, and nos. 672, 674, *post*.

637. JOHN FELL, DIARY.¹

[November 8, 9, 1779.]

Monday Novr. 8th Com'l Committee Congress. The Report of the answer to the Ministers Speech was agreed to.²

Tuesday the 9th Com'l Committee Congress Agreeable to the order of the Day Balloted for Commissioners of Treasury Board vizt. Appointed Forman Turnbull [John Gibson, erased] Auditor of Accts. Millegen = Deputy Auditor General³

638. THE PRESIDENT OF CONGRESS (SAMUEL HUNTINGTON) TO THE GOVERNOR OF VIRGINIA (THOMAS JEFFERSON).¹

PHILADELPHIA Novr. 9th 1779.

Sir,

Your Excellency will receive herewith enclosed an Act of Congress of the 8th Instant together with the copy of a letter from Colonel Broadhead of the 26th Ultio.

In pursuance of the orders Contained in the Act of Congress enclosed I am to request your Excellency's endeavour to prevent a repetition of the trespasses mentioned in the letter from Col. Broadhead. The Evil tendency of such practices are too obvious to leave room for a doubt that proper exertions will be used on the part of Virginia to prevent the like in future.²

639. CYRUS GRIFFIN TO THE SPEAKER OF THE VIRGINIA HOUSE OF DELEGATES (BENJAMIN HARRISON).¹

Novem. 9th [1779.]

Sir

I beg you will do me the honor to lay this letter before the house.

I am at present alone in this important delegation; perhaps abundantly more important than my Constituents suppose. a majority of states in Congress shew a manifest inclination to lessen the weight of Virginia in

[637]¹ Library of Congress, Journals and Diaries.

² See the *Journals*, Nov. 4, 6, 8, 12, 13, 17; also no. 634, *ante*, and no. 654, *post*. For some reason Luzerne wished to make a change in his speech and accordingly sent a new copy to Congress Nov. 12. The revision of the reply, which was entrusted to the same committee that had prepared the first answer, was agreed to Nov. 13. Both the speech of Luzerne and the response of the President are in the *Journals*, Nov. 17.

³ Fell does not record all the elections this day, nor is his record quite correct. Those elected commissioners of the board of treasury were Ezekiel Forman and Jonathan Trumbull, jr., both of whom were nominated Oct. 12. There was no office specifically known as auditor of accounts. John Gibson, whose name Fell set down, then erased, had been auditor general under the old system since Apr. 9, 1776. Oct. 12 he was put in nomination as one of the commissioners of the board of treasury, and Nov. 25 was elected to that office. James Milligan was chosen auditor general and Joseph Nourse assistant auditor. Michael Hillegas, elected treasurer, and Robert Troup, chosen secretary to the board of treasury, had been nominated for those offices Nov. 5. See nos. 646, 663, *post*.

[638]¹ Copied from the original, then in the possession of Mr. Stan. V. Henkels; President's Letter-Book, p. 219.

² See no. 639, *post*.

[639]¹ Va. State Lib., Executive Papers.

the general scale of the union; and the Continental Credit is already upon the very brink of ruin. at such a period the assembly are satisfied that my abilities and Influence are greatly inadequate to represent so vast a Country as Virginia, even upon the supposition I had the power of voting in Congress. I feel exceedingly for the rights of my Country, and the Welfare of America, and I hope to be excused when I express some degree of astonishment that at least three Members are not sent forward to Philadelphia, and Members too of the first abilities and character.

After a great deal of heat and debate Congress have thought proper to pass a resolution relative to the Land office, which resolution and other proceedings were transmitted by the last post.² I am sorry to observe that so important a measure as that should have taken its origin from the Memorial of two private Companies claiming a large extent of Lands within the Bounds of Virginia to their own use and benefit, and offering a recompense to Congress of ten thousand pounds sterling for a confirmation thereof; and however as a member of the Virginia assembly I might be induced to make *some* compensation to the *Indiana* Claimants which they are very desirous to accept, and wish to acknowledge the Jurisdiction of Virginia and to defend the state against all opposition whatever, yet I think Congress have no business to interfere with such matters at the expence of our chartered rights and the rights of an independant Legislature. When Virginia instructed her delegates in Congress to sign the declaration of Independancy what did she mean by reserving the sovereignty and internal Government of the state? no deception could be intended of any latent claim to extended Boundary; for Virginia ceded to Pennsylvania and Maryland and the two Carolinas all the Counties within their respective charters which might be supposed a part of her chartered territory and then adds "the western and northern extent of Virginia shall in all respects stand as fixed by the Charter of King James the first in the year 1709 [1609], and the public Treaty of Peace between Great Britain and France in 1763".

Yesterday a letter was read in Congress from Colonel Brodhead with a late date at Pittsburg giving Information that some Inhabitants from the Counties of Yoghaganian and Ohio had committed Trespasses upon the Lands of the Indians on the farther side of the Ohio River, which produced the enclosed Resolution.³ With my affections to the assembly, I have the honor to be with great esteem etc.

C. GRIFFIN ⁴

640. JOHN FELL, DIARY.¹

Wednesday Novr. 10th 1779 Com'l Committee Congress. President Huntington in the Chair ² This day Receivd from Genl. Lincoln the

² See nos. 522, 527, 616, 628, 629, 632, *ante*.

³ See no. 638, *ante*.

⁴ The wrapper of a letter from Griffin to Benjamin Harrison, speaker, in Va. State Lib., Executive Papers, bears the endorsement: "Letter Cyrus Griffin Esq. Octo'r 26, 1779. Refd. to whole on state of the Commonwealth."

[640]¹ Library of Congress, Journals and Diaries.

² This entry is doubtless intended to record the return of the Connecticut delegates, who had not attended since Nov. 2. See nos. 626, 627, 630, 631, *ante*, and no. 644, *post*.

disagreeable Acct. of Count De Estaing Raising the Siege of Savanna in Georgia. Mr. Hewes Died this day

Thursday 11th. Coml. Committee This day chiefly spent in debate about the sending some Troops and Stores to So. Carolina

P M Attended the funeral of Mr. Hewes³

641. SAMUEL HOLTEN, DIARY.¹

[November 10, 11, 1779.]

10. We had the disagreeable news from Gen. Lincoln that our army have not succeeded against Savannah.² The Hon. Mr. Hughes, one of the delegates from N. Carolina, deceased this morning.

11. I attended the Funeral of Mr. Hughes.

642. SAMUEL HOLTEN TO THE PRESIDENT OF THE MASSACHUSETTS COUNCIL (JEREMIAH POWELL).¹

Sir.

PHILADELPHIA Nov. 11th 1779.

. . . . The committee have not reported upon the application of the Hon'ble Court, respecting staying part of the Continental taxes till the accounts can be liquidated respecting the Penobscot expedition, but I do not expect much from their report: altho' I have been heard before them, and given it as my opinion, that, it will not be in the power of the State to comply with the Resolutions of Congress, respecting paying in their taxes unless something is done; I shall carefully attend to the same when it comes before Congress.²

The proceedings of the Commissioners at Hartford, have been received by Congress, and committed to the committee of twelve, and said committee, have agreed to report to Congress a number of resolutions, for recommending to the several states a general regulation of prices.³

The application from the Honorable Board of Congress, respecting the removal of Colo. Heazels⁴ Regiment from some part of our frontiers,

³ "November 11. Mr. Barge and I attended the burial of the Hon. Joseph Hewes, member of Congress from North Carolina, whose body was taken from Mrs. House's, southwest corner Market and Fifth Streets, to Christ Church yard. The Rev. William White took his text from 1 Corinthians xv, 55" (*Diary of Jacob Hiltzheimer*, p. 41).

[641]¹ *Essex Inst. Hist. Colls.*, LVI. 30.

² Cf. no. 647, *post*.

[642]¹ Mass. Arch., CCI. 400.

² See no. 603, *ante*, and no. 652, *post*.

³ The *Journals*, Nov. 10, 15, 18, 19. Cf. nos. 594, 603, 610, *ante*, and nos. 648, 654, 657, 659, 689, 697, 700, *post*. Stephen Hopkins, president of the Hartford convention, transmitted to the several states copies of the resolutions adopted by the convention. A copy of the letter (from the original, then in possession of Mr. Stan. V. Henkels) addressed to the governor of Virginia (Thomas Jefferson), dated Oct. 28, is in possession of the Carnegie Institution of Washington. A similar letter appears to have been addressed to all the states as far south as Virginia. The resolutions were also transmitted to North Carolina, South Carolina, and Georgia, which had no delegates in the convention, but accompanied by a briefer letter. See *N. C. State Recs.*, XIV. 214.

⁴ Col. Moses Hazen. The letter of the Massachusetts council Oct. 22 was read in Congress Nov. 8 and referred to General Washington to take order. The council had been informed that Colonel Hazen had opened a road from Newbury to within thirty miles of Canada and that his regiment had been ordered away, thus leaving the frontiers and the stores in that region exposed to the incursions of the savages. Congress is requested to take such measures for the protection and defense of the locality as the exigencies of the case require.

or New Hampshire, have been refered to General Washington, with directions for him to take order thereon.

The sum of money that Congress are at liberty to emit will be all expended in a very short time, and they will then depend upon the several states to supply the Continental treasury; and if they should fail; I most leave it to the Hon'ble Court to consider what will be the consequences; I think it is a matter of such importance, that it requires the first attention.

I have the Honor to be, with the highest sentiments of respect, Sir,
your most obedient servant;

S. HOLTEN

P. S. Yesterday the Hon'ble Mr. Hughes, one of the delegates from North Carolina, deceas'd.

643. WILLIAM SHARPE TO THE GOVERNOR OF NORTH CAROLINA
(RICHARD CASWELL).¹

PHILADELPHIA Novr. 12th 1779

Sir

. . . . I have the honor to send you inclosed an extract of the Journal of Congress, a part of which will be sent officially by the President; I thought it best to give you a full view of what passed on that very interesting occasion, altho a degree of secrecy was judged necessary,² and to which I take the liberty to add that three continental Frigates will be immediately forwarded from Boston for the farther defence of Charles Town—If they arrive in time.

I have to give you the disagreeable news of the death of Mr. Hewes, whose remains was interred last evening.

644. JESSE ROOT TO THE GOVERNOR OF CONNECTICUT (JONATHAN TRUMBULL).¹

PHILADELPHIA, Novr 12th, 1779.

Please your Excellency,

. . . . Your Excellency's letter respecting the monthly requisitions of the State of Connecticut has been laid before Congress and is committed; how successfull it will be am unable to determine, as almost every reason suggested therein were urged by the delegates in Congress against so large a sum, at the time of making the requisition. However, shall do every thing in my power to have the sum reduced.² By several letters recd. we were able to satisfy Congress of our right to sit in Congress and now hold our seats there, althoug[h] we have received no official information.³

[643]¹ Copied from the original, then in possession of Mr. Stan. V. Henkels; *N. C. State Recs.*, XIV. 222.

² The reference is doubtless to the proceedings Nov. 11 with regard to reinforcing General Lincoln. President Huntington's letter Nov. 11, transmitting these resolves, is in *N. C. State Recs.*, XIV. 220. The resolve ordering the three frigates from Boston is under Nov. 10.

[644]¹ *Mass. Hist. Soc., Collections*, seventh ser., II. 454.

² See the *Journals*, Nov. 10, Dec. 7, 28. *Cf.* no. 689, *post*.

³ See nos. 627, 631, 640, *ante*.

Mr Sherman is returning home. I expect to leave Congress about the 25th inst., before which time I expect to be releived. Mr. Laurence left this last Saturday to go to Charlestown, from whence he is to go to Holland to negotiate a treaty of amity and commerce with those Provinces and to obtain a loan. He was gone before Mr Brown arrived. The President took your letters directed to Mr. Laurence.⁴ . . .

645. WILLIAM CHURCHILL HOUSTON TO THE GOVERNOR OF NEW JERSEY
(WILLIAM LIVINGSTON).¹

PHILADELPHIA, November 12th, 1779.

Sir,

In my last I was under a misconception relative to the embargo law of the state of Pennsylvania. I find that by a transient attention to it I accidentally mistook for an act a bill printed in the *Pennsylvania Packet* for public consideration, and which did not pass. The embargo now in operation here is not conditional but absolute as ours. It is my duty to notice the mistake, lest it should be instrumental in giving impressions unfavorable and unjust.

Every day brings me fresh uneasiness respecting the supply of the general treasury. The expectation of Count D'Estaing's visiting our coasts in this quarter has created a flood of expense, and the means of defraying it are narrowing fast. If the taxes for the present year are not fully and punctually paid in, every thing but hope holds up discouraging prospects. All the states must see the necessity of exertion, and I dare believe New Jersey will not be behind the foremost. The close of this campaign is set down for the era of reformation in the per centage departments, to say no more, and especially if we are so fortunate as to carry through a limitation of prices. Afterwards, it is to be confided, expenditures will be much less.

. . . I enclose for the perusal of such as are curious, and have not seen it, the case of the sloop *Active*,² which has produced a dispute between Congress and the state of Pennsylvania. The nature of this case will be plainly collected from the printed proceedings of the court of Admiralty before which it was tried. I mention what further is necessary to give an adequate idea of the cause of difference. In the court of Admiralty the jury gave one fourth to the insurgents and three fourths to the libellant, and another cruiser in sight at the time of the capture. From the decision, which is said to be wholly on matter of fact, the insurgents appealed. The court of Appeals decreed the whole to them, and directed the Judge of Admiralty of the state of Pennsylvania to see their sentence executed. The Judge refused, as the law by which the maritime court is established in that state allows an appeal on matters of law only, and

⁴ Huntington, writing to Governor Trumbull the same day, speaks to the same effect, and adds that he is having Baron Van der Capellen's letter translated (see no. 609, *ante*).

[645]¹ *N. J. Rev. Corr.*, p. 200.

² See no. 57, note 2, *ante*. Evans (*Am. Bibl.*, vol. VI., no. 16220) lists a pamphlet (pp. 27) printed by Hall and Sellers, of which the Historical Society of Pennsylvania possesses a copy. It was doubtless a copy of this pamphlet which Houston enclosed.

does not permit the facts found by a jury to be re-examined. Much law ammunition has been spent on the occasion, and the difference is not yet adjusted. Certain it is that by the resolutions of Congress of 1775, an admiralty jurisdiction say, the facts shall be established by a jury. Lawyers say there is this distinction between trials by jury and trials by witnesses, that in the former case the facts found are not re-examined, in the latter they are. Our law for erecting a court of Admiralty, allows an appeal in all cases whatsoever, but it must be acknowledged that an appeal on matter of fact from the verdict of a jury has not a good sound. And yet juries are too often worse qualified to decide in maritime causes than any other.

You have also a report of the commissioners appointed by General Washington in April last to settle a course for the exchange of prisoners with the commissioners of General Clinton. It has been already published in newspapers.³ It is with pleasure I also send an extract from the general orders of the commander-in-chief of 29th July last. The virtues of this amiable man as a citizen are no less conspicuous than his spirit and perseverance as a soldier. To-morrow will be published, by order of Congress, the news from the southward.⁴ You will hear it with concern. The raising of the siege of Savannah is not so much to be regretted in itself as the consequent exposure of a large extent of country, the inhabitants of which must unavoidably suffer before succour can arrive to them. Let us however remember what has so often happened, that confidence is the road to disappointment, and where our prospects are least promising from thence success often comes. *Nesquam desperandum est de Republica.*

646. JOHN FELL, DIARY.¹

Friday 12th Com'l Committee Congress. Reports from the Board of War and Treasury. Balloted for a Commissioner of Treasury Board²

		1st	2d	3d	4
William Denning	5	Votes	6	5	4
John Gibson	6				
John Milligen	1		1

Marine Committee

Saturday November 13th 1779. Com'l Committee Congress. A Letter from Genl. Sulevan to Resign Referrd to a Committee. Letter from Coll. Webb for leave for Genl. Philips and Genl. Redsell to go to New York Majr. Gen Green Quarter Mastr. General Rece'd from April 6th 1778 to Octr. 20th 1779 62,583,571. 30/90³

³ Presumably the report of Colonels Davies and Harrison, read May 10, 1779.

⁴ The *Pennsylvania Packet* of Nov. 13 contained a letter from General Lincoln, dated at Charlestown, Oct. 22.

[646]¹ Library of Congress, Journals and Diaries.

² The *Journals* do not mention this ballot. There was, however, a vote for this office Nov. 24 or 25, when John Gibson was chosen. See no. 663, *post*. Cf. no. 637, *ante*. "John Milligen" should be James Milligan.

³ These figures were probably brought out in connection with the application for a warrant of three million dollars for the department of quartermaster-general.

647. THOMAS MCKEAN TO WILLIAM AUGUSTUS ATLEE.¹

Dear Sir,

. . . . Our disappointment in Georgia has somewhat deranged us, but Count D'Estaing's Efforts upon the whole have proved very beneficial; ² he was streightened in point of time, but before he was obliged to return to the West Indies he agreed with General Lincoln to assault Savannah on the 9th of October in the morning, which was done, but from a variety of untoward circumstances not uncommon on such occasions, we were repulsed, with the loss of 172 in killed and wounded belonging to the American army; how many of the French we cannot learn, but Count Pulaski is killed and Count D'Estaing had two balls thro' him, that is flesh-wounds not dangerous.

There are likely to be considerable changes in Congress, Gouverneur Morris and Francis Lewis Esquires are left out in New York, your brother ³ and Mr. Wynkoop in our State, and some other Gentlemen in the other States. It seems the General Assemblies resent the treatment of Doctor Arthur Lee by Congress. Colo. Atlee tells me this was the cause in Pennsylvania. I think every member of Congress has a right to exercise his own judgment in cases wherein he has no instructions from his State. . . .

PHILAD'A Novr. 13th 1779.

648. HENRY MARCHANT TO THE GOVERNOR OF RHODE ISLAND
(WILLIAM GREENE).¹

PHILADELPHIA Nov. 14 1779.

Sir,

Your Excellency having heretofore informed me that a Warrant upon the States Treasurer would be acceptable for a Sum of money to be paid out of the Taxes as they might be collected, and having since repeated to me the Necessities of the State especially as they were now called upon to provide Clothing for Their own Troops, I have been unremitted and incessant in my Applications under but small Hopes of Success, merely from the State of the Contl. Treasury, and the Supplies of Money which must very soon be derived only from the States. But happily and beyond my Fears and Expectations I have obtained a Report of the Treasury, and a Resolution of Congress thereon in Favor of the State for three hundred Thousand Dollars, to be paid out of the Taxes as they are or may be collected. I enclose Your Excellency the resolution, as you may be informed without Delay, the Warrant will be forwarded.² . . .

[647]¹ Library of Congress, Pennsylvania Papers (addressed to him at Lancaster).

² Cf. no. 645, *ante*.

³ Samuel John Atlee, delegate from Pennsylvania. The election took place Nov. 12. See the credentials, in the *Journals*, Nov. 13.

[648]¹ R. I. Hist. Soc., MSS., III. 76; Staples, *R. I. in Cont. Cong.*, p. 262.

² See the *Journals*, Nov. 12. Cf. no. 620, *ante*. Referring to this warrant in their joint letter of Nov. 30 (Staples, *R. I. in Cont. Cong.*, p. 266), Ellery and Marchant remark: "That sum, most certainly, is the last the State may expect out of the treasury of the United States, or from any of their public funds. For all moneys must come from the State for every purpose. We are, therefore, well assured, the State will be deeply impressed with the necessity of strict economy and every possible exertion."

The Proceedings of the Convention at Hartford have been recd. and Are under Consideration; I am confident they are well approved of, for indeed previous to them, a Com'ee of each State by order of Congress, had under Consideration a Plan for a general Limitation of Prices etc. and the Report is now ready to be made.³

The Minister Chr. D'Luzerne is to make his publick Entrance next Wednesday.

I expect Mr. Ellery in a few Days, and propose to set out by the 25th of this Month at farthest. I hope to meet your Excellency in Health and The State invigorated by their late Deliverance.

649. JOHN FELL, DIARY.¹

[November 15, 16, 1779.]

Monday Novr. 15. Com'l Committee Sundry Letters etc. Motion from Mr. Gerry that no member of Congress should hold any Office or be chose while a Member or for 6 Mo. after² Nominated Gentlemen for the Admiralty Board³

Tuesday Novr. 16. Com'l Committee Letter from Commissary Baety relating to Citizens Prisoners etc. Referred to a Committee⁴ Dr Wetherspoon⁵

³ Cf. no. 642, note 3, *ante*.

[649]¹ Library of Congress, Journals and Diaries.

² See no. 543, *ante*.

³ The admiralty board, established Oct. 28, was to consist of three commissioners not members of Congress, and two members. These nominations were for the outside members of the board, usually called "commissioners", as distinguished from the members of Congress assigned to the board. There was an additional nomination (David Mumford) Nov. 16. Nov. 26 Thomas Waring of South Carolina and William Whipple of New Hampshire (as a non-member of Congress) were chosen. For the third commissioner there were nominations Nov. 30 and Dec. 1, and on the latter date an unsuccessful ballot. Dec. 3 George Bryan of Pennsylvania was elected, but he declined (Dec. 7) and Francis Lewis of New York was chosen instead. Lewis was at the time in Congress but was on the point of retiring, having been left out of the delegation in a recent New York election ("lame-duck" appointments were by no means unknown in the Revolutionary period). His election was therefore as an outside "commissioner". Meanwhile, Dec. 3, the two members of Congress to sit on the board had been designated, namely, William Floyd and James Forbes. The act establishing the board of admiralty had provided "that there shall not be more than one member of the said Board at any time belonging to the same State". Inasmuch as Floyd and Lewis were both from the state of New York, it was held that the acceptance of Lewis (Dec. 8) vacated the appointment of Floyd. Accordingly, Dec. 9, William Ellery of Rhode Island was chosen in place of Floyd.

It is proper to point out here that the inclusion of George Bryan in the board of admiralty, among the standing committees of Congress (*Journals*, p. 1445), would be incorrect even if he had accepted the appointment, for the reason that he was not a member of Congress, but was chosen as an outside commissioner.

⁴ According to the *Journals*, the marine committee communicated Nov. 16 a paragraph of a letter from Beatty, but action on this appears to have been taken without reference to a committee. Fell doubtless refers to Beatty's letter of Nov. 4, referred Nov. 15 to a committee of which Fell was chairman. The committee brought in a report Nov. 25, which was acted upon Dec. 1.

⁵ Fell had chronicled the departure of Witherspoon Nov. 1. He is now making note of his return.

650. NATHANIEL SCUDDER TO RICHARD HENRY LEE.¹

PHILADELPHIA NOV. 16th 1779

Dear Sir,

. . . . Congress is at present very thin, rarely more than 10 [States] represented, often but 9. Many important businesses [on hand,] the progress much as usual. What can the Neglect of your State be attributed to? Only one member here for many weeks. Mr. Duane is again in the Delegation from New York. Gover'r Morris left out. Mr. Floyd again, Mr. Lewis out. General Schuyler, Mr. Scot, Mr. Livingston and a Mr. Lommedeau. Our old worthy Friend Mr. Sherman left out by Connecticut this I think not a little ominous, as he is one of the Originals: In short, what with the effect of manoever on the one hand, and of necessity on the other, I fear, *entre nous*, both *that* State and New Jersey will next year appear in different Colours from what they have here to fore done. As for myself sheer necessity compels me to retire, and I have therefore so ordered it with my friends as that I expect not ever to be balloted for. My time expires on the first of December, so that I shall be here only one week after this.² I wish I may be happy enough to hear from you before I leave Philadelphia. Tomorrow at 12 o'clock is fixed for the public audience of the New Minister of France. there will be a public dinner. . . .

651. HENRY MARCHANT TO THE GOVERNOR OF RHODE ISLAND
(WILLIAM GREENE).¹

PHILADELPHIA, Nov. 16th, 1779.

Sir,

. . . . I was yesterday honored with yr. Excely's Letter of the 5th Instant; and for the several Articles of Information therein I am much obliged as to Capt. Tyler's Affair—I wrote your Excellency before, it was committed—no Report is yet made, and I am well persuaded that nothing will be reported in the least to the Discredit of the Doings of the Genl. Assembly. Too much Caution however, I think cannot be used upon any great political Question.² . . .

[650]¹ Va. Hist. Soc., Lee Papers, V. 170; *ibid.*, Lee Trans., IV. 257.

² He is last recorded as voting Nov. 23, although he may have attended Nov. 26. Strangely enough Fell does not mention his departure. Scudder was killed in a skirmish near Shrewsbury Oct. 16, 1781, and has the distinction of being the only member of Congress killed in battle during the Revolution. See Hunt, *Fragments of Revolutionary History*, p. 110; *Pa. Mag. of Hist. and Biog.*, III. 189; Moore, *Diary of Am. Rev.*, II. 504.

[651]¹ R. I. Arch., Letters to the Governors, 1779-1780, p. 22; Staples, *R. I. in Cont. Cong.*, p. 263.

² See the *Journals*, Oct. 18, Nov. 30, Dec. 2. Cf. no. 670, *post*. Greene's letter of Nov. 5 is in Staples, *R. I. in Cont. Cong.*, p. 255. See also his letter of Nov. 9 (*ibid.*, p. 257), in which he mentions a letter from Marchant dated October 19, relative to the Tyler affair. That letter has not, however, been found.

652. THE MASSACHUSETTS DELEGATES TO THE PRESIDENT OF THE MASSACHUSETTS COUNCIL (JEREMIAH POWELL).¹

Sir,

PHILADELPHIA Nov. 16th, 1779

We have the Honor of transmitting You by the earliest Opportunity, a Copy of the resolution of Congress, upon the application of the State of Massachusetts Bay of the 21st of September last, for retaining six Million Dollars (which the state were to raise as a continental Tax) to defray the expences of the penobscot Expedition. We perceive by some observations that were thrown out in Debate, that a Question will arise on the propriety of considering this as a continental expence, notwithstanding it was evidently incurred to repel an Invasion of the Enemy in that State; and We are of opinion that as soon as the necessary papers can be prepared and sent to Congress, it will be expedient to obtain their Sense on this important Subject. We wait the Directions of the honorable assembly for conducting this business² and remain Sir with the greatest Respect for them and yourself

Your most obedt. and very humble Servts.

E. GERRY
JAMES LOVELL
S. HOLTEN
G. PARTRIDGE

653. NATHANIEL PEABODY TO THE PRESIDENT OF NEW HAMPSHIRE (MESHECH WEARE).¹

Sir,

PHILADELPHIA Novr. 16th 1779.

. . . . I wish to make some observations respecting my *situation* but must omit them for the Present as I hope soon to be relieved by some person coming on to take my Place agreeable to the request in my letter to you by last post.

Mr. Langdon sets off for home in two or three days, and nothing could induce me to Tarry *longer* but the disagreeable prospect of leaving the State unrepresented, at a time so critical and important as the present day, when it wou'd be difficult if not impossible to make a Congress to transact business, if another State should be left unrepresented.

654. JOHN FELL, DIARY.¹

[November 17, 18, 1779.]

Wednesday Novr. 17th Com'l Committee This day at 12 oClock The Chevalier De La Luserne the Minister Plenoptentiary from France had his Audience of Congress.²

[652]¹ Mass. Arch., CCI. 403.² See the *Journals*, Oct. 4, 21, Nov. 16, Dec. 28. Cf. nos. 603, 642, *ante*.[653]¹ Mass. Hist. Soc., C 81 A 126; Library of Congress, Force Trans., Weare, p. 125.[654]¹ Library of Congress, Journals and Diaries.² Holten's entry is, "Chevalier de la Luzern was admitted to a public audience with Congress and dined with Congress". The proceedings were published in the *Pennsylvania Packet* of Nov. 20, and in the *Pennsylvania Gazette* of Nov. 24, preceded by the following item: "Last Wednesday an entertainment was given by Congress to the Minister Plenipotentiary of France, at which were present by invitation several Foreigners of distinction, and gentlemen of public character."

Thursday Nov 18th. Com Com Congress. Sundry Letters Memorials and Reports, One from the Committee of 12 in order to Regulate Prices was Read and debated ³

655. PHILIP SCHUYLER TO GEORGE WASHINGTON.¹

PHILADELPHIA NOV: 18th. 1779

Dear Sir

This Morning Your Excellencys letter of the 14th Instant was read In Congress. the necessity of being explicit on the Subject and ordering a Suspension of the preparations for the Intended Co-operation, with Count D'Estaing was earnestly urged, and a motion made for a resolution Conformable to these Ideas, but prevented by a Prior Motion which was Carried and which I suppose you will receive by this Express; ²

Our Finances are so exceedingly deranged, the depreciation proceeding with the most Alarming rapidity, Every department so deeply In debt and no plan adopted which gives the least prospect of remedy to these Evils that I very seriously apprehend the most disagreeable Consequences

It is said that Count De Grasse with eight ships of the line and some frigates are In Cheasepeak what his Object is we know not should he return to the West Indies It is proposed to send the troops ordered to Georgia under his protection as Convoy

Nothing has yet been done In the Intended new arrangment of the Quarter Master General and Commissary General department; I fear the time which the latter has limited for retiring from the business will Expire before another is appointed unless Congress is pushed to It both here and from Your Quarter ³

A Memorial of the Gen: Officers was yesterday read and Committed, to Mr Root Mr Morris and Mr Schuyler. I shall urge a Speedy report,⁴ but *Entre nous*, people here are not so attentive to business as the vast variety and Importance of what is on hand seems to require,

I am Dear Sir with the most ardent wishes for Your Happiness, Respectfully and faithfully Your Excellency's most Obedient Hum Servant

PH: SCHUYLER

656. THE MASSACHUSETTS DELEGATES TO JOHN HANCOCK AND SAMUEL ADAMS.¹

PHILADELPHIA NOV: 19, 1779

Gentlemen

We beg Leave to inclose You a Copy of a Subscription, originated in this City for the benevolent Purpose of supporting and educating the

³ See nos. 642 (note 3), 648, *ante*, 657, *post*. Holten records under this date, "The Chevalier paid us a visit by leaving a card".

[655]¹ Library of Congress, Letters to Washington, XXXIV. 302; Harvard Univ. Lib., Sparks MSS., no. 66, vol. I., f. 128.

² See the *Journals*, Nov. 18. Washington's letter of Nov. 14 is in *Writings* (ed. Ford), VIII. 107.

³ See the *Journals*, Nov. 25, and nos. 664, 681, *post*. Cf. nos. 303, 383, *ante*.

⁴ This paragraph must have been written on the 19th, as the memorial was presented on the 18th. A report was made Dec. 1. Cf. nos. 604, 613, *ante*.

[656]¹ N. Y. Pub. Lib., Emmet Coll., Declaration of Independence, 1557 (in the writing of Gerry).

Children of our late worthy Friend Major General Warren, by which it will appear that the Name of the General Assembly and also of the Council of Massachusetts Bay is inadvertently used in a Manner which may not be approved by them. for this, and *other* Reasons, We have tho't it our Duty to suggest the Impropriety of the Measure, to the Gentlemen who promoted it; *for*, should the Subscription be more successful than We expect, yet it is not probable that a Sum will be raised adequate to the purpose, and it may also be hurtful to the Feelings of the Children, to reflect hereafter on the Mode proposed for affording them Relief. Notwithstanding We shall chearfully contribute in our private Capacity, We are still of Opinion, that considering the Merit of General Warren, the Services which he rendered to his Country, and the distressed Circumstances of these Orphans, some Provision should be made by the publick, more advantageous to the former and consistent with the Honor due to the Memory of our deceased Friend, than what is proposed by the Subscription, and We shall move that a Committee appointed by Congress some Time past to consider this Matter, may be directed to report.

How far it will be proper to communicate the Matter to the General Assembly and to urge their Beneficence, We submit to your Consideration, and shall acquiesce in your Opinion relative to the same.²

We remain Gentlemen with Respect,

your very hum. Servants,

E GERRY

JAMES LOVELL

657. JOHN FELL, DIARY.¹

[November 19, 20, 1779.]

Friday Novr. 19th Com. Com. Congress. Report for regulating Prices @ 20 for 1 agreed to for all home Manufactories etc. and all imported articles to bear a Proportion to the above
Marine Committee

² In vol. III. of these *Letters* (p. 415 n.) is some account of the measures undertaken to make provision for General Warren's children. At the time that note was written the editor had not seen this letter from Gerry and Lovell, although reference was made to Samuel Adams's reply to it, December [2], 1779 (*Writings*, IV. 167; the date is mentioned in Lovell's letter of Dec. 21, *post*), and to a further letter to them on the subject, December 20 (*ibid.*, p. 169). The subscription paper promoted by General Arnold is *ibid.*, p. 171. In the first of the letters above referred to Adams gives his reasons for not approving of the measure in the form in which Arnold had put it forth, and expresses particular disapproval of some utterances of Arnold in connection with the matter. His disapproval of Arnold personally had probably from the beginning affected his attitude toward a measure promoted by him. For instance, in his letter to Miss Scollay, Feb. 27, 1779 (see the note in vol. III. above referred to), he says: "For the 'benevolent exertions' of this gentleman you are 'beholden' to *Him* who provides for the fatherless children. *He* by a secret influence directs the charitable hand to particular objects. It does not however lessen the debt of gratitude to those whose hearts are touched with the necessities of the meritorious and whose purses are open to their relief." Nevertheless, on July 1, 1780, Adams joined in promoting a measure of the sort which he now criticised. See the *Journals* under the date given.

[657]¹ Library of Congress, Journals and Diaries.

Saturday Novr. 20th Com'l Committee Congress. The Resolution brought in to Recommend to the States the Altering the Law for obliging Cred's to take the money for Debts, long debated and Postponed ² Report of the Medical Committee Rain

658. THE SECRETARY OF CONGRESS TO THE SEVERAL STATES.¹

SECRETARY'S OFFICE, NOV. 20th, 1779.

Sir

I take the liberty of transmitting you a duplicate of an Act of Congress passed the 16th March 1778 the utility of which is apparent: And as it may be proper and necessary that you should be informed of the several acts and proceedings of Congress, I have herewith sent you a copy of their Journal from the first of January last, and shall continue to send you from time to time their weekly publications.² On the other hand as a communication of your acts may be advantageous, and lodging them in this office for the information of the delegates of the other States beneficial to the union, and tend to facilitate the transmitting to posterity the rise and progress of these infant States, I take the liberty of requesting you to transmit to this office a copy of the constitution or form of government adopted by your State upon the declaration of Independance, and of all the public acts passed by your legislature since that period. If you can add any pamphlets or documents relative to the controversy and revolution, they shall be carefully deposited and preserved, and thereby you may do an acceptable service to posterity and oblige, Sir,

Your very humble Servant,

CHA. THOMSON, Sec'y.

659. THE NEW JERSEY DELEGATES TO THE GOVERNOR OF NEW JERSEY (WILLIAM LIVINGSTON).¹

PHILADELPHIA, November 22d, 1779.

Sir,

Enclosed you have the result of the deliberations of Congress on the representation of the 7th ultimo respecting a general limitation of prices. We beg leave to say that with attention to the interests of the union in general and the state in particular, and also to the convenience of the legislature, we have left no means untried to give success and dispatch to the business.² The legislature, we flatter ourselves, will be disposed to

² According to the *Journals*, this resolution, reported by the committee on the proceedings of the Hartford convention (on limitation of prices), etc., was taken into consideration and postponed on the 19th. There is no mention of the matter in the *Journals* Nov. 20. See nos. 642, 648, 654, *ante*, and nos. 659, 689, 697, 700, *post*.

[658]¹ Md. Hist. Soc., Red Book, VIII. 90; *Arch. of Md.*, XLIII. 371; N. C. Hist. Comm., Caswell Papers; N. C. State Recs., XIV. 227; Library of Congress, Force Trans., Weare; *Pa. Arch.*, VIII. 20.

² Dec. 17 Thomson transmitted the *Journals* published in the interval (Md. Hist. Soc., Red Book, VIII. 80; N. C. State Recs., XIV. 235; etc.), and on Feb. 1, 1780, he made a further transmittal of them. See the next volume of these *Letters*.

[659]¹ N. J. Rev. Corr., p. 204; N. J. State Lib.; Harvard Univ. Lib., Sparks MSS., XXXVI. 348.

² See nos. 594, note 2, 642, 648, 654, 657, *ante*, 689, 697, 700, *post*.

overlook any defects in the plan recommended by Congress compared with the scope and tenor of their representation, when they reflect that different states as well as individuals, however they may coincide in the main substance of a measure, vary often in their ideas on particular parts, and also when they are informed that what we have now the pleasure to transmit has passed with a great degree of unanimity. For the sake of this and greater expedition, policy dictated to concede a little. From appearances we think ourselves justified to say that the measure recommended will in all probability be universally adopted throughout the union. The date of commencement is more distant than could have been wished, but when the remoteness of some of the states is considered, as also that many of the legislatures are not sitting, and that the limitations ought to take place at the same time every where, it could not well be gainsayed. Other arguments also have been urged, tending to shew that this will give fuller efficacy to the measure, by giving people an opportunity to provide against losses and disappointments to their essential prejudice. The ratio of prices to those current formerly, though by many thought too large, is set at a limit which we hope will produce an easy turn to the tide of depreciation, and make a further reduction in due time more natural and practicable.

We have the honor to be, with all respect, your obedt. hble servants,
 JNO. WITHERSPOON
 NATH. SCUDDER
 JOHN FELL
 WILLIAM H. [CH.] HOUSTON.

660. JOHN FELL, DIARY.¹

[November 22, 23, 1779.]

Monday the 22d Com. Com Congress. After the dispatches, Committee on ways and means brought in a Report, to draw Bills on Mr. Laurens and Mr. Jay for £100 000 Sterl'g Each after long debate agreed to go in a Committee of the Whole house to morrow: Mr. Griffin and Mr. Harnet were appointed to the Commercial Committee.

Tuesday 23d. Com. Committee Congress. This day Resolved to draw Bills on Mr. Jay and Mr. Lawrence for £200 000 Sterl'g @ 6 Mo. sight. I was against the measure ²

661. CYRUS GRIFFIN TO THE SPEAKER OF THE VIRGINIA HOUSE OF DELEGATES (BENJAMIN HARRISON).¹

Sir

I do myself the honor to enclose two Acts of Congress which the assembly may perhaps consider as containing matters of some importance.

[660]¹ Library of Congress, Journals and Diaries.

² See the *Journals*, Nov. 22, 23, 26, 29, and no. 669, *post*.

[661]¹ Copied from the original, then in possession of Mr. Stan. V. Henkels. The wrapper of this letter, bearing the endorsement, "Referred to Comm'ee of whole on state of the Commonwealth", is in Va. State Lib., Executive Papers.

The demands for money upon the Continental Treasury are great indeed. The different states must supply those demands, or the period will shortly arrive when the whole Continent may totter to its foundation. at least I fear a general stagnation must be the consequence.

A Captain this moment from the West Indies confirms the account of a Boston paper, that a bloody engagement has taken place between the Combined Fleets and that of great Britain; the latter were severely beaten from superiority of numbers; two considerable ships destroyed, and three of the largest taken. . . .

PHILADELPHIA Novem. 23d 1779.

662. JAMES FORBES TO ———.¹

PHILADELPHIA Novr. 23d 1779

My Dear Sir

. . . Congress have recommended to the States a limitation of prices not to exceed twenty for one, to what they were in 1778 should this and the raising Taxes be complyd with a stop may be put to the amazing Depreciation of our money.² . . .

663. JOHN FELL, DIARY.¹

Wednesday 24th Com Com Congress Sundry Letters Reports etc.
Mr. Gibson was Elected to the Treasury Bo'd.²

Gibson ³	Millen [Milligan]	Denning
5	6	
6	5	
6	2	2
8		2

Thursday Novr. 25, 1779 [torn] Congress. Several dispatches, Reports [ts of] Committees, Board of War Treasury etc. (Snow)

664. JESSE ROOT TO JEREMIAH WADSWORTH.¹

PHILADELPHIA Novr. 26th 1779

Sir

Inclosed you have a resolution of Congress of the 16th Inst. ordering all the rum and Sugar belonging to the public to be delivered to this Committee Except so much as will be Sufficient for the Navy—also an order from the Marine Committee to Mr. Bradford to deliver the Same accordingly Except 30 Hhds of rum and ten of Sugar—also an order from this

[662]¹ N. Y. Pub. Lib., Emmet Coll., no. 993.

² See no. 642, note 2, *ante*.

[663]¹ Library of Congress, Journals and Diaries.

² See nos. 637, 646, *ante*. According to the *Journals* this election was on Nov. 25. Whether the *Journals* or Fell's Diary is in error, is a question which no means of determining have been found.

³ This ballot, although it is recorded beneath the entry "Sunday Novr. 28th", which is near the bottom of the right-hand page, actually belongs to the entry for Nov. 24, which is at the bottom of the left-hand page, its connection with that entry being indicated by a brace. The entry for Nov. 25 is at the top of the right-hand page.

[664]¹ Conn. Hist. Soc., Jeremiah Wadsworth Papers.

Committee to Mr. Bradford to deliver the rum to you or your order Except as above.²

likewise you have another resolution of Congress of the 25th Inst. putting the departments of the Staff under the direction of the board of war So that in future your Applications will be made to the board of war. the board wish to be informed how you Could dispose of the Sugar in the best manner to Serve the public. Congress have not appointed a new Commissary Genl.³

I am now returning home Mrs. House Expects you here this Winter. Col Blain is gone to Maryland hope he will be Successfull in procuring flour

In haste Dear Sir, your Friend and humble Servant
 JESSE ROOT Chairman
 for the last time of the Comm'ttee of Congress for
 Superintending the Staff departments

665. SAMUEL HUNTINGTON TO OLIVER WOLCOTT.¹

PHILADELPHIA Novem'r 26th 1779

Sir

. . . . Before this comes to hand you will be Informd Congress have *again* recommended a limitation of prices Consequent upon the Result of the late convention at Hartford. you well know that every Individual in Congress is not so wise as allways to Judge conformable to their resolves, and this in particular is a Subject on which Time and Experience only, and the latter repeated will bring all men to agree in Judgment.²

I have the pleasure to inform you that as great harmony and concord Subsists in Congress as ever I knew or can be expected in such a body, however by a refind practice we use a little too much Scripture language for my taste *i e* our language is too too-much ay and no, but tis a Custom some are fond of as being usefull in their opinion. I hope the Wisdom of Congress and of the Several States will lead to such Measures the ensuing winter that we may be prepared for peace or war as events may be: but I most Sincerely wish the former

666. JOHN FELL, DIARY.¹

[November 26, 27, 1779.]

Friday Novr. 26. Commercial Com[mittee] Congress.² Letter from General Washington with the State of the Army etc. Sundry Letters etc.

² The marine committee's order to Bradford is in *Out-Letters*, II. 131. See also the letter to the navy board, *ibid.*, p. 129.

³ See no. 655, *ante*, and no. 681, *post*.

[665]¹ Conn. Hist. Soc., Oliver Wolcott Papers, vol. III., no. 116.

² See no. 642, note 2, *ante*.

[666]¹ Library of Congress, Journals and Diaries.

² A committee report of especial interest which was taken under consideration Nov. 26 was that on the memorial of Du Simitière, respecting his plan of writing a history of America. The memorial had been presented July 22 and referred to Dickinson, Fleming, and William Churchill Houston, and the latter drew the report. See, further, the *Journals*, Dec. 27, 1779, July 12, 14, 21, 1780.

In the course of the correspondence between John Adams and Elbridge Gerry in 1813 respecting the history of the American Revolution, Gerry evidently spoke of a

Elected two Members for the Admiralty Board viz. Mr. Warring and Mr. Whipple³

Saturday Novr. 27th Com Com Congress. Several Reports Read and debated

NB Dined with Mr. Griffin

667. THE PRESIDENT OF CONGRESS (SAMUEL HUNTINGTON) TO
THOMAS WARING.¹

Thomas Waring Esquire.

PHILADA. Novem'r 27th 1779

Sir,

You will receive herewith enclos'd an Act of Congress of the 28th ulto. establishing a board of Admiralty to superintend the naval and marine affairs of the United States.

Also another Act of Congress of the 26th instant by which you are appointed one of the Commissioners of that board. The other Gentleman William Whipple Esqr. belongs to Portsmouth in New Hampshire, the third Commissioner is not yet elected, but will probably be a Gentleman from some one of the more central States, it being tho't beneficial to the whole to take the Commissioners from different parts of the United States.²

668. PHILIP SCHUYLER TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, Nov: 29th 1779

Dear Sir,

I arrived here on the 15th at night; on the next day I took my seat in Congress, where I have constantly attended every day since. The journals, copy whereof I have the honor to enclose your Excellency, will shew what matters have claimed the attention of Congress—a vast variety of the most important affairs ought to claim their immediate notice and

motion which he had made during Jay's presidency with a view to laying proper foundations for such a history. Gerry's letter has not been found, but Adams says in reply: "Had your Motion in Congress been adopted, and a Man of Sense and Letters appointed in each State to collect Memorials of the Rise and Progress and Termination of the Revolution: We should now Possess a Monument of more inestimable Value than all the Histories and Orations that have been written. . . . That Mr. Jay, the President of Congress when your motion was made, admired it, is no Surprise to me. His head could conceive and his heart feel the importance of it" (*Warren-Adams Letters*, II. 380). Gerry may have been led to make his motion by the appearance of Du Simitière's memorial, although, if made while Jay was in the chair, it must have been between July 22 and Sept. 28. It does not seem at all probable that he would have been induced to bring forward the question in connection with the consideration of Paine's letter of Apr. 3 (see no. 180, *ante*). Indeed both the time of the motion and its inspiration remain hidden.

³ See no. 649, note 3, *ante*, and no. 669, *post*.

[667]¹ Library of Congress, President's Letter-Book, p. 234.

² Huntington's letter of notification to Whipple the same day (Letter-Book, p. 235) mentions the appointment of Waring, who is from South Carolina, and that a third commissioner is yet to be elected, but says nothing further of the idea of geographical distribution. Cf. nos. 672, 685, 686, *post*.

[668]¹ Harvard Univ. Lib., Sparks MSS., XII. 90.

speedy decision. Our Finances are deranged to a most alarming degree, heavy demands constantly made on a Treasury which is empty, our Army in want of flour and that article already arisen to sixty pounds per hundred, and will probably in ten days more rise to one hundred pounds. I wish I could say that there was one member of Congress adequate to the important business of Finance.

Congress has not yet decided whether peace shall be granted to the Indians; I have repeatedly urged to have the business brought on; ² as soon as it is completed, I propose setting out for Albany, to try and bring about a reconciliation with the savages. In my way up I shall do myself the honor to call on your Excellency, if Hudson's River should be passable.³

669. JOHN FELL, DIARY.¹

[Mon]day November 29 1779. Com'l Comm [The Com]mittee Reported respecting the Bills [to b]e drawn and after several amendments [t]he yeas and Noes were call'd carried in the affirmative I was No.²

Tuesday the 30th 1779. Com Com Congress. Some dispatches were Read, after moved for finishing the appointment of another Commissioner for the Admiralty Board which cause[d] a long debate and nothing done ³ General Sulevans Resignation was accepted. Commercial Committee gave in a Report [to] Put that in Commission per the Style of the Board of Trade.⁴

670. THE RHODE ISLAND DELEGATES TO THE GOVERNOR OF RHODE ISLAND (WILLIAM GREENE).¹

PHILADELPHIA NOV. 30th 1779

Sir,

Mr. Ellery arrived yesterday and this Day took his Seat in Congress.² By Yesterdays Post we were honored with Your Excellencys Letter of

² See the *Journals*, Oct. 22, Nov. 4, 27, and Schuyler to the New York assembly, Jan. 29, 1780, in the next volume of these *Letters*.

³ Schuyler obtained leave of absence Nov. 30.

[669]¹ Library of Congress, *Journals and Diaries*.

² See no. 660, *ante*.

³ See nos. 649, 666, *ante*.

⁴ See the *Journals* under Nov. 29, where the report is found in full, with an endorsement, "Delivered November 29, 1779", and a further endorsement, "August 24, 1781, not to be acted upon". Fell, being a member of the commercial committee, is probably correct with regard to the date of delivery. The report is mentioned in the list of "depending" reports, Aug. 23, 1781 (*Journals*, p. 900), in a group which the committee who prepared the list thought "ought not to be acted upon". In the same group is included the report (May 9, 1780) of a committee on "arranging reports", the latter embodying a list of seven "undetermined" reports which that committee thought "ought . . . to be taken up in the following order". No. 4 of this list is the "Report of a plan for conducting Commercial affairs". The report of the committee for arranging reports, found in the *Journals* under Aug. 24, 1781, has an endorsement of that date that it was "not to be acted upon".

[670]¹ R. I. Arch., Letters to the Governors, 1779-1780, p. 29; Staples, *R. I. in Cont. Cong.*, p. 266.

² Ellery wrote the same day by the hand of Marchant, "who . . . will give you such information as we have to communicate". Speaking of the destruction of his property in Newport, he remarked, "If I should hereafter return to Newport, I will hope that the General Assembly will assist me in procuring some Tory habitation until better times shall enable me to provide for myself" (*ibid.*, p. 265).

the 19th Instant enclosing a State't of the Proceedings of the Genl. Assembly respecting Capt Tyler. We have laid that State before Congress who have referred it to the Com'ee to whom the Petition of Capt. Tyler was referred. We conceive it will give full Satisfaction to Congress, as it certainly throws the Matter in a very different Light from the Suggestions made in Capt. Tylers Petition.³ . . .

Your most obedient and very humble Servts.

WILLIAM ELLERY

H'Y MARCHANT

P. S. Mr. Marchant proposes to set out to-morrow.

671. ROBERT R. LIVINGSTON TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA 30th Novr. 1779.

Dear Sir,

I did myself the honor to write to you last week, but missing the post you will receive that letter by this conveyance, since which nothing material has hapned here, except that I find a violent inclination in most of the States to appropriate all the western Lands to the use of the United States, and in proportion, as they feel the weight of taxes, that inclination will increase, till I fear it will at last overpower us, unless we contrive to make a sacrifice of part to secure the remainder. This I think we may do to advantage now, while they treat our title with some respect. I would, therefore, submit it to your Excellency whether it would not be prudent for our Legislature to empower us to agree to make a north line, extended from the northwest corner of Pensilvania to the lake Ontario our western boundary, and from thence along the northwest shore of lake Ontario and the river St. Lawrence to the bounds of Canada, and from thence along those boundaries to the State of New Hampshire. This will secure Niagara to us, and the navigation of Lake Ontario. It will put our claim out of dispute, enable Congress and us to apply our Lands to counter secure our money. In every view this matter appears important to me. I wish our Legislature may see it in the same light. We have already had one attack which we very fortunately warded, tho Virginia is unrepresented. The attempt convinces me of the risk we run by being too insatiable in our demands.²

We have not a word of foreign news except vague reports from the West Indies of a battle in the Channel, but nothing that can be depended upon. You may believe that we are very impatient for the Issue of so important a conflict.

I am sorry to tell you that money has fallen below any thing that you can suppose. I need give you no other proof of it than by telling you

³ See the *Journals*, Oct. 18, Nov. 30, Dec. 2, and no. 651, *ante*. Greene's letter of Nov. 19 is in Staples, *R. I. in Cont. Cong.*, p. 264.

[671]¹ *Clinton Papers*, V. 382.

² Cf. Jay to Clinton Oct. 7, *Clinton Papers*, V. 311.

that I this day paid £537 this money for a plain suit of cloaths, £21 for plain buttons to a servant's coat and putting them on, and 26 dollars for sawing a cord of wood; grain and country produce have even risen beyond foreign articles. But still I do not despair of retrieving it if my plan sh'd be adopted and be well seconded by the Legislatures. I shall do myself the honor to transmit it to you when it is properly digested. I am, Sir, with great respect yr. Excellency's most obt. Hum. Servt.

ROBT. R. LIVINGSTON.

672. NATHANIEL PEABODY TO JOSIAH BARTLETT.¹

PHILADA. Novr. 30th 1779

Dear Sir

Your favour of the 4th instant has been duly Recd. And am extreemly Obliged to you for the information therein Contained. have nothing worth Your Notice to Communicate only that Genl. Whipple is appointed a Commiss'r of the board of high Admiralty for these United States. I earnestly wish your influence with him, to Accept the appointment, as it is a matter of the highest importance, Especially to the Eastern States, for that board to Consist of members whose knowledge in those matters is Equal to the important Trust that will be reposed in them²

C——ss have agreed to Draw Bills of Exc. on Mr. J——y to the amount of £100,000 Ster'g and the like Sum on Mr. L——ns payable at 6 mo. Sight which are to be Sold at the Current Rate of Exchange for the Supply the Treasury—what Effect this will have Cant Say and time will make known.³

[672]¹ Dartmouth College Lib., Bartlett Corr., vol. II. ("No. 16").

² See the *Journals*, Nov. 15, 26, and no. 667, *ante*. Cf. no. 694, *post*. Whipple wrote to Peabody Dec. 27, replying to a letter of Nov. 30:

"I am happy to find you have taken some measures towards a Reformation of the Nav[al] department and hope that Commission will be filled with men much better qualified for the business then I a[m] however, it will be time enough for me to give my answer when I have Official information of the appointment and am made acquainted with the plan. as to the Salary I do not suppose that any man who has lived a month in Philadelphia can think that the sum you mention is by any means equal to the necessary expences that a man in that Character must be at. This however is by no means the greatest objection I have, but time will not permit me at present to state all my objections as I am just setting out for Exeter where the Assembly now sett." He then indicates his expectation that Mr. Livermore will be chosen a delegate to Congress, and adds: "but I hope his arrival will not cause Your return for I think it of importance that you tarry at least till the Vermont business is finished." (Copied from the original, then in possession of Mr. Stan. V. Henkels.)

Peabody wrote also to Woodbury Langdon Nov. 30. That letter has not been found, but Langdon's reply, Dec. 21, is printed *post* (no. 694).

To President Weare he wrote Nov. 27, acknowledging the latter's communication of the 6th notifying him of his reappointment as a delegate to Congress, and assuring President Weare that, while his private interest is daily injured by his absence, he will esteem it his indispensable duty to remain and not leave the state unrepresented without giving at least one month's previous notice (Mass. Hist. Soc., C 81 A 129; Library of Congress, Force Trans., Weare).

³ See the *Journals*, Nov. 19, 23, 26, 29, and no. 674, *post*.

673. SAMUEL HOLTEN, DIARY.¹

[December 1, 3, 4, 1779.]

Dec. 1. Congress dined with the Minister of France. The dinner was grand and elegant.

3. The President of Congress drank tea with us.

4. Congress spent part of the day considering the commissary and Quartermasters departments.²

674. WILLIAM SHARPE TO THE GOVERNOR OF NORTH CAROLINA
(RICHARD CASWELL).¹

PHILADELPHIA Decr. 5th 1779

Sir,

. . . . Our Treasury is nearly exhausted. we have great dependance on the several states for its restoration. We are about to negotiate, to the amount of £200,000 sterling in Bills of exchange on our Minister at Madrid and our Commissioner who is gone to Holland, from which we hope for some relief.²

I momentarily look for Messrs. Burke Penn and Jones to deliver Mr. Harnett and myself from the House of bondage.

I intreat your Excellency to do me the honor to address a few lines to me in Rowan which is a place destitute of good intelligence.

With the utmost esteem and respect I am Sir Your Most Obt. humble Servt.

WM. SHARPE

P. S. I this moment recollected my having taken an Extract of Genl. Washington's letter of the 20th Ult., which I enclose you. That to which it refers is of a secret nature.³

675. NATHANIEL SCUDDER TO NATHANIEL PEABODY.¹

FREEHOLD, Decembr. 6th 1779.

Dear Sir,

Will you permit a *private* Citizen² to address you from his domestic Retirement, and to ask you how you proceed in *public* Business? I know

[673]¹ *Essex Inst. Hist. Colls.*, LVI. 31.

² Ephraim Blaine had been elected commissary-general of purchases Dec. 2, but had not yet given in his acceptance. It was doubtless with a view to a conference with him with regard to this appointment that President Huntington addressed the following note to him: "The President of Congress presents his Compliments to Col. Blaine and requests to see him at the Presidents House as soon as conveniently may be. Saturday 4th Decemr." (Library of Congress, Blaine Papers.)

[674]¹ Copied from the original, then in possession of Mr. Stan. V. Henkels; *N. C. State Recs.*, XIV. 230.

² See the *Journals*. Oct. 15, 18, 21, 26, Nov. 8, 19, 23, 26, 29. Cf. nos. 604, 636, 672, *ante*.

³ Washington's letter of Nov. 20, read in Congress Nov. 26, relates in part to the movement of troops southward. For the action upon it, see the *Journals*, Nov. 27, 30.

[675]¹ Haverford College, Roberts Coll., 732.

² Scudder's term had expired Dec. 1, and he appears to have withdrawn from Congress Nov. 25 or 26. His name appears among the first yeas and nays Nov. 25, but not thereafter. A reference in this letter to a resolve of Nov. 26 indicates that he was probably present on that day.

you will, and that, carefully retaining great national Secrets, you will indulge me with the general Current of public Information.

I am at present principally anxious to know what *general Information* has been received by Mr. Samuel W. Stockton late Secretary to Mr. William Lee, and whether he has cleared up to Congress any of our dark affairs in Europe; and how you proceed in the affairs respecting the medical staff.

I wish it may be possible to get that Business finished before the first of January, as that is the Time on which the whole Hospital Corps had determined to resign. I conclude Doctor Foster left their last Memorial with you, and I think it will be best to present it to Congress before the Resolutions for granting them Quota of Lands and half Pay are given in, as it may induce the House to take them up immediately.³ I hope your new Regulations as to giving in Reports of Committees⁴ will have a Tendency to facilitate public Business, tho I think I foresee the effects of Gentlemen's Ingenuity. When do you expect to leave Philadelphia? I hope not before the Spring. Has the Dominion of Virginia no Representation in Congress yet? I fear their Land Office will prove like the Indian's Gun, cost more than it will come to; and that while they are Tything the *Mint* etc., the weightier Matters of Congress and the Continent will be much by them neglected. . . .

676. THE PRESIDENT OF CONGRESS (SAMUEL HUNTINGTON) TO
WILLIAM SHIPPEN, JR.¹

Doctor William Shippen Junior Director Genl

PHILADA Decemr 8th 1779

Sir,

You will receive herewith enclos'd the Copy of a report from the chamber of accounts on the Memorial of Lewis Weiss, together with an act of Congress ordering that the Copy be transmitted to you with directions to report especially thereon.

It may be proper to observe the memorial was exhibited to Congress by Mr. Weiss as Attorney to John Brown,² Warden of the single brethren at Bethlehem. The account of their demand has been refer'd to the board of Treasury and liquidated by the Chamber of Accounts as pr copy of their report enclos'd, the expence being incurr'd in the medical department Congress have thought proper it should be transmitted to you with directions to report especially thereon, as by their act enclos'd I have before mentioned.

³ The memorial from the hospital officers was presented to Congress Dec. 10. No action appears to have been taken on it. The resolutions relative to lands and half-pay, reported by the medical committee (probably Dec. 30), were taken into consideration Jan. 3, 1780, and rejected.

⁴ The regulation here referred to is doubtless that found in the *Journals* under Nov. 26.

[676]¹ Library of Congress, President's Letter-Book, p. 244.

² The name is given in the *Journals*, Dec. 13, as "John Bonn". Weiss merely says in his memorial that he is attorney in fact for the wardens of the Single Brethren. See the *Journals*, Oct. 26, Nov. 15, Dec. 4, 13. This letter of Huntington is in compliance with instructions, Dec. 4, to write to the director general of the hospitals, and the action taken Dec. 13 was in consequence of Dr. Shippen's letter of that day.

677. SAMUEL HOLTEN, DIARY.¹

[December 8-11, 1779.]

8. The Minister of France and about 10 other Gentlemen of the first character dined with us.

9. Thanksgiving. Attended at Dr. Duffield's and Dr. Ewing's.

10. I spent part of this day with the Com't on Gen. Arnold's accounts.

11. My health is much better.²

678. THE PRESIDENT OF CONGRESS (SAMUEL HUNTINGTON) TO THE GOVERNOR OF NEW JERSEY.¹

PHILADA Decemr. 11th 1779

Sir,

You will receive herewith enclosed two acts of Congress of this day requesting the several States therein mentioned to furnish certain quantities of flour and grain for the use of the Army.²

Your Excellency will observe the particular resolution which respects the State of New Jersey requests that part of the eight thousand Barrels of flour therein mentioned be furnished as soon as possible to answer the immediate demands of the Army.

It is the sense of Congress that I should mention the pressing necessity of a supply for the present wants of the army which admit of no delay.

The well known repeated exertions of the State of New Jersey leaves no room to doubt that all possible despatch will be given to procure a present supply of flour for the army, it is needless for me to mention the fatal consequences that might ensue in this critical conjuncture of affairs should the army now in that State be without bread. The matter is of such importance that I am to request the necessary information on the Subject as soon as possible.

I have only to add that Congress have now under consideration the measures proper to be adopted in order that Justice may be done to any State that shall furnish provisions at a lower price than others.

P. S. I am honour'd with your Excellen[cy's] favor of the 6th instant with the letter therein referr'd to, enclos'd.

679. SAMUEL HOLTEN, DIARY.¹

[DECEMBER 12-14, 1779.]

12. *Sabbath day.* Being summoned to attend Congress and the weather being wet prevented my attending public worship. I wrote to Mrs. Holten by Mr. Millet, who is going to Salem.

13. The Post from the eastward is not come in.

14. The post came in and brought me a certificate of my being appointed to represent the state for the year 1780. . . .

[677]¹ *Essex Inst. Hist. Colls.*, LVI. 31.

² Under Dec. 6 and 7 he had recorded that being ill he had not been out.

[678]¹ Copied from the original, then in possession of Mr. Stan. V. Henkels; Library of Congress, President's Letter-Book, p. 248.

² See the *Journals*, Dec. 11, 14, and no. 680, *post*.

[679]¹ *Essex Inst. Hist. Colls.*, LVI. 32.

680. THE PRESIDENT OF CONGRESS TO THE GOVERNOR OF
NEW JERSEY.¹

His Excy Governor Livingston

PHILADA. Decemr 14th 1779

Sir,

In my letter of the 11th instant I had the honour of transmitting your Excellency two acts of Congress of that Date.

The act of this day herewith enclos'd is intended in addition to those in order to facilitate the same design, by which you will be inform'd that Congress have determin'd to call upon all the States to furnish their quotas of such supplies as may from time to time be wanted for carrying on this war,² and in making the requisition due care will be taken to suit the conveniency of the several States and the articles by them respectively furnished will be credited towards their quotas of the monies they are called upon to raise for the United States at equal prices for articles of the same kind and quality and for others in due proportion and the accounts finally compared and adjusted so as to do equity to all the States.

It is the desire and expectation of Congress that each State may procure the articles of them requested with the utmost oeconomy and despatch if the necessary provisions can be obtained in this mode the many persons heretofore employed in the purchasing Commissaries Department for that purpose may be dismiss'd³

I have the honour to be etc.

S. H. PRESIDENT

681. WILLIAM ELLERY TO THE GOVERNOR OF RHODE ISLAND
(WILLIAM GREENE).¹

Sir,

PHILADELPHIA Dec. 14th, 1779.

Since Mr. Marchant left us nothing new has turned up.² Congress are employed in devising ways for supplying the Army at the least expence,

[680]¹ Library of Congress, President's Letter-Book, p. 253.

² Cf. no. 678, *ante*, and the *Journals*, Dec. 14.

³ Letters nearly identical with this were sent to Maryland, Virginia, and Connecticut. To New Hampshire, Massachusetts, Rhode Island, New York, North Carolina, and South Carolina was despatched a more compressed circular letter, stating the essential character of the act of Dec. 14. The letter to Delaware was similarly compressed, but contained matters concerning Delaware alone. The letter to President Reed of Pennsylvania was limited, so far as this act was concerned, to the statement that it was transmitted, and then discussed matters pertaining to that state alone. The letter to Maryland, which transmitted also the act of Dec. 11, is in *Md. Hist. Soc.*, Red Book, VIII. 86, and is printed in *Arch. of Md.*, XLIII. 384; the circular is in *N. C. State Recs.*, XIV. 232. A letter was written to Governor Trumbull Dec. 13 (Letter-Book, p. 250), but at the close is this memorandum, "N. B. This letter was not sent but one of the 14th in lieu of it". One passage of that letter, which in a manner anticipated the resolve of Dec. 14, deserves to be quoted: "Congress are desirous if possible to adopt such measures to supply the army as may in future diminish the enormous expences which have heretofore occurred in procuring those Supplies: and have now under consideration a regulation that may do Justice to any State that shall procure the supplies suggested at a lower price than other States."

[681]¹ *R. I. Arch.*, Letters to the Governors, 1779-1780, p. 43; Staples, *R. I. in Cont. Cong.*, p. 267.

² Marchant obtained leave of absence Nov. 30 and appears to have left Congress next day. See no. 670, *ante*. Schuyler and Marchant had been appointed Nov. 30 a

for preserving the credit of our money, and defending the Southern States. The States I believe will be soon called upon to furnish such provisions, and other necessary articles for the war as they can Supply with the greatest convenience, to be credited therefor in the quotas of monies to be raised by them respectively: ³ The officers in the great civil departments of the Army, it is proposed, should hereafter instead of receiving commissions be paid by fixed Salaries etc. etc.⁴

682. THE PRESIDENT OF CONGRESS (SAMUEL HUNTINGTON) TO THE GOVERNOR OF MARYLAND (THOMAS JOHNSON, JR.).¹

PHILADELPHIA Decem'r 15th 1779

Sir,

Your Excellency will receive herewith enclosed an Act of Congress of this day recommending to the several States to continue embargoes where already laid, and where not, to lay embargoes: to prohibit untill the first day of April next the exportation of the several articles mentioned and described in the Resolution of Congress of the 21st day of August last

The necessity of this measure is so obvious, it is the desire and full expectation of Congress that every State in the Union yield a ready and punctual compliance with the recommendation without loss of time.

683. JOHN ARMSTRONG TO JAMES SEARLE.¹

CARLISLE 15th Decem'r 1779.

Dear Sir,

Your Absence with Mrs. Searle which prevented me the pleasure of seeing you when I left Congress, joined to the indispossession [*sic*] under which you laboured about that time, naturally excites my earnest desire to hear from you, particularly respecting the recovery of your health. It's true I have the pleasure of seeing your late appointment to an honorable trust [in] the new University, and thereby infer yr. better health—but this my honourable friend will not fully satisfy. I hope therefore to be favoured with a pritty long letter from you, in which I wish to excuse you (and every other friend who may be so obliging) of any regard to

committee of two to confer with the commander-in-chief on the state of the Southern department, and on Dec. 7 they had despatched a report from Morristown (see the *Journals*, Dec. 11). Four days later (Dec. 11), according to the *Diary* of Ezra Stiles (II. 396), Marchant was in Newport.

³ See the *Journals*, Dec. 11, 14, and nos. 678, 680, *ante*.

⁴ This question appears to have had its immediate origin in a motion of John Mathews, Dec. 2, which was referred to a committee of which Ellery was a member. Dec. 4 the report of the committee on regulating the departments was referred to this committee, which made a partial report Dec. 11. What appears to have been the same committee made a report Dec. 29, although it is there called "the committee appointed to report proper salaries to the purchasing commissaries". The report was further considered Dec. 30 and 31, and Jan. 1, 1780, when certain resolutions were adopted. Concerning the regulation of the departments, see nos. 303, 383, 655, 664, 680, *ante*.

[682]¹ Md. Hist. Soc., Red Book, VIII. 82; *id.* to Georgia, N. Y. Pub. Lib., Misc. MSS., Huntington; *id.* to Massachusetts, Mass. Arch., CCII. 13; *id.* to North Carolina, N. C. Hist. Comm., Caswell Papers, N. C. State Recs., XV., 233; Library of Congress, President's Letter-Book, p. 257 (circular).

[683]¹ Hist. Soc. of Pa., Conarroe Coll., II. 58.

method or connexion (except where explanation may be necessary) but only to stick down in crude detail what different pieces of News you can communicate. Amongst these I cou'd wish to know, How the publick funds hold out, and whether there is any prospect of appreciation? Cannot Mr. Wharton Brother to the late President be introduced to the Board of Admiralty or Naval Department? What are the particular reinforcements intended for S: Carolina? I have heard of the North Carolina Troops and Bailers Horse, and a loose acct. or surmise of sending G. Wane and the light infantry—this last in my opinion ought not to be done without *a certainty* of the Enemy having first sent a strong reinforcement to Georgia, which I much query except they had a greater Naval force. I apprehend *a secret* somewhere, respecting the Count and his Fleet. How like you the New Minister? What new members are there in Congress?

Prices are enormous here, daily rising, so that it is doubtfull how our Army can be supported. the money I hear is in effect refused in various places, a kind of little Barter taking place. A regulation by Law ought suddenly to take place when every refined notion in finance has thus failed 'tis high time to leave these fantastick bye paths and attempt the highway of publick Authority, to which also shou'd be joined another means—that of every farmer laying in at some appointed place some Quantity of Grain and perhaps meat at such a settled rate, in part or whole of his Tax. This I presume will be found a wise and salutary measure, not only productive of certainty but of Economy nor is there One moment to be lost in Congress's recommending it to the States.

I have just heard that Mr. Wadsworths resignation is accepted and much pleased that Congress have appointed Coll Blain in his room, who no doubt will do as much as can be expected from an individual in these times but have great apprehensions of his difficulty on account of the lowness of the Money and perhaps scarcity of Grain too, which in this part of the State yields but little indeed, yet are the Stills it's said going on at top speed.

In a News paper of the 9th of November a Gentleman at this place shewed me Genl. Gates's letter to Congress on the Evacuation of the Enemy at New Port—a few days after, I saw that same letter published on the 10th with an *additional paragraph* in favour of Major Armstrong, both published by Order of Congress. Why this last Parag[raph] was omitted on the 9th and published on the 10th I cannot conceive, the Printer Mr. Bradford having made no appology on his part. My son wrote me when in town but of this said not a word, nor has any other friend explained the paradox! this being of a private or personal nature is comparatively small, but as a publication of Congress it is a different thing. As a body I'm confident the House never ordered the Paragraph to be suppressed, and if by mistake of an individual it is easily pardoned but if thro *envy* whether pointed agst the young man or the General, is it [not] of the lowest kind—and if by any Officer or Servant of Congress is it not [a malicious insult of that body, and gross violation of publick trust? He that is not faithful in a little is not to be trusted with much. but I hope some friendly answer will explain the matter. . . .

684. JAMES LOVELL TO HENRY LAURENS.¹

Dec. 15, 1779.

Dear Sir

Fearing yr. Son will suddenly leave this City, I am induced to take up my pen to communicate an *undecided* Peice of Business that perplexes my mind greatly. Was you here I should not feel that perplexity an hour longer; as my Respect for your judgement would of course give deciding Weight to whatever opinion my critical Situation might draw from your Friendship, which I am sure is prompt to serve me in every honorable Way.

Your Son having declined going to France, it was determined that Tomorrow a Secr'y shall be chosen.² no nomination is yet made but Gov. Morris will be the man unless others are named to be in competition. I know yr. opinion of him. I think I may say you would not *rejoice* in his Election, nay you would have Fears from the measure. Honestly I had rather have suffered many Pains and Penalties than to have this new occasion to chuse and a double number of them than to be chosen. Yet I am not absolutely decided against the latter, and my Reasons I mean now to explain. The 1st and greatest is of the preventive kind, the 2d is a certain Conviction that I shall have every friendly aid from you advisory and pecuniary, and the 3d is that you will probably succeed ———³ in Case of that Event which makes it necessary to have a faithful Hand now near him at his advanced age. . . .

Your affectionately attached humble Servant

JAMES LOVELL.⁴685. JAMES LOVELL TO HENRY LAURENS.¹

PHILADELPHIA Decr. 17, 1779.

Dear Sir

I hope the numbers of the *Journals* which your amiable Son has to deliver to you will prove duly consequent to those which you took with you from hence.

I have already hinted to you the Risque into which the Secretaryship of the Embassy to France was thrown by Col. L's nonacceptance. Yesterday had been appointed for a new Choice, but passed without even a nomination, so that I hoped there would be some lucky offer of a Character in which Congress would see fit to unite for a Ballot. This morning, however, Mr. Mathews named G. Morris, Mr. Ellery instantly named

[684]¹ S. C. Hist. Soc., Laurens Letters, XVIII.

² See the *Journals*, Sept. 28, 29, Dec. 10, 17, 22. The postponement of the election Dec. 22 seems to have ended the matter. With regard to Lovell and the secretaryship, see nos. 569, 581, *ante*, and nos. 685, 688, 695, *post*.

³ Evidently Franklin.

⁴ This letter and that of Dec. 17, as also Peabody's letter of Dec. 17, are endorsed by Laurens, "Recd. 11th Janry. 1780 answered 24th". Laurens left Philadelphia Nov. 9. See Wallace, *Life of Laurens*, p. 353, where a newspaper notice of his departure is quoted.

[685]¹ S. C. Hist. Soc., Laurens Letters, XVIII.

me, I named Col. Hamilton and Mr. Plater named Col. Stewart of Maryland.

Having once intreated to have my name taken back, as you may remember, I was under a necessity of remarking now that neither my own opinion nor the Practice of Congress since that Period supported the Motives, upon which I then proceeded; that I consented to let my name stand to serve in Case in Necessity through the Indetermination of Congress in regard to others. The mission is by no means my work. I find it will be painful to consent to accept it if it should be offered. One thing, needless to mention, would be more painful. My predominating motives are of the preventive Kind.²

The members present are

N. H. Peabody.

Mass. Gerry, Lovell, Holten, Partridge.

R. Is. Ellery.

Con. Huntington, Sherman, Ellsworth.

N. Y'k. Livingston, Floyd, L'Hommedeau.

N. J'y. Fell Houston.

Pens. Searle, Mulenbergh, McLane, Shippen.

Maryld. Plater, Forbes.

Virginia. Griffin.

N. Car. Penn, Burke, Genl. Jones.

S. Car. Mathews.

The Treasury Bd. and Admiralty are in action. The latter Mr. Lewis and two members of Congress Forbes and Ellery. It is very doubtful to me whether Mr. Whipple will accept.³ We are upon measures to fill the army and save money. "High Time" you may justly say. Genl. Green is desirous of relinquishing the Quartermastership but at a time when there is no Forrage provided so that a change would be dangerously critical at this day. The States must be called upon for Produce essential to the Army instead of Paper.

I say nothing of News. Your son will give you all that is passing.

I must at this hour of midnight put a Fit of the Cholic into Bed.

Heaven protect and prosper you by Land and Sea.

Respectfully and affectionately your Friend

JAMES LOVELL.

686. NATHANIEL PEABODY TO HENRY LAURENS.¹

Hon'd and Dear Sir

. . . . I have the pleasure of informing you that the truly *Patriotic* and *Heroic* Colo. Laurens has this evening favoured me with a short but an agreeable visit which has if possible heighten'd him in my Esteem and tho' I have a passionate regard for him yet you will give me leave to say, that his resignation of the appointment of Secretary, to the Court

² See no. 684, *ante*.

³ See no. 672, *ante*, no. 686, *post*.

[686]¹ Collection of the late D. McN. Stauffer of Yonkers, N. Y. The letter is endorsed, "Recd 11 Jan'y Answd. 24th".

of Versailles, at this Critical juncture of our public affairs notwithstanding I am fully Convinced it was done upon the most noble and pure principals, has fill'd me with very Great Anxiety.

The Gentlemen Now in nomination to fill that important office are Mr *Lovel* by Mr Elery, Mr G. Morris, by Mr Mathews, a Lt Col Hamilton, by Mr Lovel, and a Lt Col Stewart by Mr Plater, but who will be Elected I cannot Take upon me to Determine, as I see a storm Gethering, and the *Cloven foot* appears again as heretofore.² Mr Lovel will Transmit the *Journals* of Congress published since your departure, and some News papers, however will just observe, that Mr. Gibson, Mr. Trumbul, and a Mr. Foreman are appointed Commis'ers at the Board of Treasury, and Genl Whipple a Mr. Wearing, of S. Carolina, and old D[a]ddy Lewis Commis'ers to the board of admiralty. A Col Greyson a Commis'er to the board of War.³

PHILADA. Decr 17th 1779.

687. THE PRESIDENT OF CONGRESS (SAMUEL HUNTINGTON) TO
BENJAMIN LINCOLN.¹

Major General Lincoln

Sir,

PHILADA. Decemr 18th 1779

You will receive herewith enclos'd a Copy of my letter of the 17th instant to the Chevalier de la Luzerne Minister of France, and also an Act of Congress of the same Date.²

These Matters will by the same Conveyance be communicated to his Excellency Governor Rutledge³ and the greatest Secrecy the Nature of the Case admits is enjoined. You will probably receive other intelligence on this Subject as soon as time will admit from the Governor of the Havannah or some other person on the part of his Catholic Majesty if the propos'd plan should take Effect.

688. JAMES LOVELL TO RICHARD HENRY LEE.¹

Dear Sir

Decr. 18th 1779.

. . . . I am now to surprise you more than heretofore by telling that Thursday last being fixed upon for the Election of a Secretary to Doctr.

² See nos. 684, 685, *ante*, and nos. 688, 695, *post*.

³ For these appointments, see the *Journals*, Nov. 9, 25, Dec. 7.

[687]¹ Library of Congress, President's Letter-Book, p. 259.

² The corrected draft of the letter to Luzerne is in the *Journals*, Dec. 16, and is printed with that date in Wharton, *Rev. Dipl. Corr.*, III. 428. With date Dec. 17, as here indicated, it is in the Library of Congress, Misc. The draft of the letter and the resolution appear to have been drawn by John Mathews. Mathews wrote to General Lincoln Dec. 15: "From the death of Pulaski I imagine that Legion will soon dwindle into nothing. I therefore intend applying to Congress to have them reduced and incorporated into the other Corps" (Henkels, *Catalogue*, no. 1074, III. 340, extract). Such a measure, drawn by Mathews, was adopted Dec. 29. In a letter to General Lincoln Dec. 29 President Huntington summarized the act and transmitted a copy of it. (A copy of the letter, from the original in possession of Mr. Stan. V. Henkels, is in possession of the Carnegie Institution.)

³ The letter to Governor Rutledge, largely identical with this letter to General Lincoln and bearing the same date, is in the President's Letter-Book, p. 258.

[688]¹ Univ. Va. Lib., Lee Papers. For another part of this letter, see *Life of Richard Henry Lee*, II. 148.

Franklin or rather the Embassy which Lt. Col. Laurens had not accepted the Day passed without even a Nomination. But yesterday Mr. Mathews named G Morris who is making all Smooth to obtain it. I had intended to name Col. Hamilton. Ellery however was beforehand and put me up. I pursued my Intention and Mr. Plater named a Col. Stuart of Maryland. I mentioned to Congress that I should not as some time ago desire my name to be withdrawn as I had not the Opinion of a Self denying Ordinance which I then had, and was fortified in my Change of Sentiments by the Late Proceedings of Congress. I declared that my wish was not implyd but my meer Consent, if the Ballots should not happily be general for another. I am pained at my present Situation.²

You must be free in yr. Opinion upon this Conduct, let the Event be what it may.

Yrs. affectionately
JAMES LOVELL.

[P. S.]

689. ROGER SHERMAN TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA, Decr. 20th, 1779.

Sir,

Your Excellency's letter to Congress respecting the lessening the State's quota of the monthly taxes, and retaining the money raised on the last continental tax, was referred to a committee who report as to the first that it would be attended with great difficulty and inconvenience to alter the quotas of any of the States, and that the state of the continental treasury will not admit of a compliance with the latter. They have reported to allow continental pay and rations to militia raised for the defence of the State.

The report has not been acted on by Congress, tho' I have moved several times to have it considered. I suppose it will be accepted.² There are very great complaints of the want of money in every department, and Congress depends wholly on the several States for supplies, except what comes into the loan offices. Warrants will be drawn on the several States for the monies that will become due by the first of January, and unless they are punctually answered very disagreeable consequences may be expected. I was not here when Congress resolved not to emitt bills of credit beyond the amount of two hundred million dollars, but what remains of that is not near sufficient to discharge the debts contracted by the commissaries and quarter masters; some warrants have been already drawn on the State treasuries, and if there is not a very vigorous exertion of the States to aid in procuring supplies, not only of money but provisions, the army cannot be kept together. Congress has resolved to call on the several States for their quotas of the supplies in kind, that are

² See nos. 684, 685, *ante*. Concerning the "self denying ordinance", see nos. 543, 569, 685, *ante*.

[689]¹ Mass. Hist. Soc., *Collections*, seventh ser., II. 463.

² See the *Journals*, Nov. 10, Dec. 7, 28; also no. 644, *ante*.

necessary for carrying on the war, and to credit all articles of the same kind and quality at the same prices, and other at proportionate prices. The estimates and quotas are now preparing, and as soon as any State agrees and is prepared to procure its quota all purchases by commissaries and quarter masters in such State is to be discontinued.

As to the quota of the monthly taxes, if Connecticut had not suffered any by the enemy its just quota would not have exceeded 1,400,000 dollars, and North Carolina's ought to have been the same, whereas but 1,000,000 dollars per month is required of that State. I have heard of no complaint from any State except Connecticut as to the apportionment, and several of the States, if not all, have actually passed laws for raising the money, so that it would be difficult to alter the proportions; If the Hon'ble Assembly of our State dont think proper to raise the whole, I should think it would be best to raise about 1,400,000 dollars per month, and trust to supplying the deficiency by economy in expenditures, or some other way.

Col. Wadsworth's resignation of his office of Commissary General is accepted, and Col. Blaine is appointed, but has not given his answer; and Col. Wadsworth and his deputies are requested to continue until a new one is ready to transact the business. General Green has requested leave to resign the office of Quarter Master General, but it is not yet granted. Jonathan Trumbull, junr. Esqr., is elected a member of the Board of Treasury, the other members are present, transacting the business and are very desirous to have him joyn them. I dont learn that he has yet given an answer. I suppose he has been duly notified of the appointment. I wish he may accept it. The salary, tho' it sounds high, is really low as prices are at present; but it is the intention of Congress that the members of that Board should have adequate salaries. I hope we shall before long return to our old standard of lawful money. A committee, consisting of a member from each State, reported to recommend to the several States to revise their laws making the paper currency a tender, and frame them so to prevent injustice to the debtors or creditors, but it has not yet passed Congress.³ In copying the resolutions recommending a general limitation of prices, the Secretary omitted that approving the doings of the Hartford Convention; the whole are contained in the enclosed paper. Those resolutions passed *nem. con.*; the good effect expected from them is to reduce the prices to a level in all the States, with expectation that by the operation of taxes they may be kept so, and even reduced below the limitation.⁴

We have had no official accounts from Europe since the Minister of France came from thence. The enclosed papers contain our latest accounts from London. The Secretary says that he transmits the *Journals* of Congress monthly to each State. Mr. Ellsworth arrived here last Wednesday. Mr. Huntington and he are well. I want to return home, wish Col. Dyer or another of the delegates would come as soon as possible. We ought to have three at least constantly attending.

³ See the *Journals*, Oct. 11, Nov. 19, 1779, Mar. 11, 20, 1780.

⁴ See nos. 642, 648, 654, 657, 659, *ante*, and nos. 697, 700, *post*.

The Assembly of Pennsylvania have passed a resolve to apply to the Assembly of Connecticut to submit the controversy respecting the disputed territory to be decided agreeable to the Articles of Confederation. I wish that controversy and every other of like kind were settled right, but doubt whether this is a suitable time to have it duly attended to.

I am, with the greatest respect,

Your Excellency's humble servant

ROGER SHERMAN.

690. ROBERT R. LIVINGSTON TO PHILIP SCHUYLER.¹

PHILADELPHIA 20th Decr. 1779.

Dear Sir

. . . . The picture you draw of the state of the great departments of the ———² is very alarming but we have seen it greatly hight[e]ned since, nor can we tell how to remedy it unless the States will be more punctual in their remittan[ces] of taxes. We have resolved to call for a certain [pr]oportio[n] of supplies in kind from each of the states [and ha]ve appointed a Committee to adjust them³ I pro[mi]se myself some advantage from this as it will [en]able us with the more facility to give the fixure to our money which you so strongly recommend but which it is impossible to do in the present embarrassed situation of our affairs. at least the experiment wd. be extreemly hazardous.

Green has offered his resignation which we have for the present refused all eyes are fixed upon you wd. to God you could be perswaded to take it with [y]our former rank write to me on this subject as soon as possible.⁴

We have certain accounts of Lord Hows being at the head of the British navy so that I think it probable that a change in the administration has taken place tho of this we are ignorant yet. This may probably bring about a great change in the british Counsels which I more and more expect and hope will look to a general peace. We have received a considerable addition of members since [you] left us but still have more on hand tha[n] we can perform. I write in the committee cham[ber] and am called upon. If any thing worth your attentio[n] turns up you shall hear from me. I forgot to inform you that Congress had resolved to adjou[rn] in April from Philadelphia, but have not yet fixed the place to which they will go.⁵ I am Dear Sir

Your Most Obt. Hum. Servt.

ROBT R LIVINGSTON

[690]¹ N. Y. Pub. Lib., Schuyler Papers, no. 1255.

² Probably the omitted word is "Army". Schuyler and Marchant were appointed Nov. 30 on a committee to confer with the commander-in-chief, and both obtained leave of absence that day. The *Journals*, however, record Schuyler's presence Dec. 1 and 2. A report from the committee, dated at Morristown, Dec. 7, is in the *Journals*, Dec. 11. Cf. no. 655, *ante*.

³ See the *Journals*, Dec. 11, 14; cf. nos. 678, 680, *ante*.

⁴ Cf. Livingston to Schuyler, Jan. 27, 1780, in the next volume of these *Letters*.

⁵ Livingston appears to have forgotten that Schuyler had himself seconded the motion for adjournment, that is, if the *Journals* are correct in the erasure of Sherman's name and the substitution of that of Schuyler. See the *Journals*, Dec. 1, 3, Jan. 3, 1780, and Livingston to Schuyler, Jan. 27, in the next volume.

691. WILLIAM FLOYD TO THE GOVERNOR OF NEW YORK
(GEORGE CLINTON).¹

PHILADELPHIA, December 21st 1779

Sir,

. . . Congress have Resolved to Remove from this place the 1st of May next But have not yet Determined on the place where they will Remove to.²

You will not be surprized at their wish to Quit this City, when you are informed of the amazing Expense of Living here; Beef in the market Current at 3 Doll's pr. lb; pork four; wood 100 lb pr. Cord; flour 100 lb pr. hundred w't, and other things in proportion; it Seems as if the Devil was with all his Emmisaries let loose in this State to Ruin our money, and they, the authorities of this State are So Slow in the Collecting their taxes, that it will have but little Effect towards preventing it.

However Critical and Difficult our Situation may be, yet it Cannot be improper you Should know it. Long Since Congress Resolved to Stop the farther Emission of money; Relying on the Taxes to be Raised in the Several States for Money to Carry on the war, with the Small Sums which they Expected to get by loaning.

But alas what is our Situation! Our Treasury nearly Exhausted, Every Department out of Cash, no Magazines of provision laid up, our army Starving for want of Bread, on the Brink of a General Mutiny, and the prospect of a Spedy Supply is very Small. This is a melancholly Situation and would give our Enemies great pleasure if they knew it.

Under these Circumstances the grand Difficulty is to know what can be done for Relief. And it appears to me that if the Several States does not take on themselves to draw forth the Supplies for the use of the army, by a tax on the necessary articles, or Some other mode that may be in their power, God only knows what will become of us next Campaign; our army Cannot be kept together. But I'll Conclude the disagreeable tale and Subscribe my Self your most Obedt. and humble Servt.

WM. FLOYD.

692. THE PRESIDENT OF CONGRESS (SAMUEL HUNTINGTON) TO THE
PRESIDENT OF DELAWARE (CAESAR RODNEY).¹

The President of the State of Delaware

PHILADELPHIA Decr 21st 1779

Sir,

In pursuance of the enclosed resolution passed by Congress,² I think it my duty to inform you that the accounts received from our Army call for the most immediate and strenuous exertions of your State to forward a Supply of provisions

The enormous prices to which the necessary supplies for the Army have been raised have drained the public treasury, and the sole dependance of

[691]¹ *Clinton Papers*, V. 424.

² See no. 690, *ante*.

[692]¹ Library of Congress, President's Letter-Book, p. 261.

² See the *Journals*, Dec. 21.

Congress for the Support of an Army and defence of our liberties must rest on the exertions of the several States. The present exigence admits not of the least delay, it is therefore hoped that you will procure and forward with all possible expedition as much flour as can be obtained in your State which shall be passed to your Credit in part of its quota lately called for and due care will be taken that Justice be done to the State

693. WILLIAM ELLERY TO THE GOVERNOR OF RHODE ISLAND
(WILLIAM GREENE).¹

PHILADELPHIA, Dec. 21st, 1779.

Sir:

. . . . The Cry for money from every department is so vehement and peremptory that unless the Treasury is very soon supplied the most alarming consequences will take place; therefore I hope that Our and the other States will with all possible dispatch collect what may remain uncollected of their taxes. Congress are at their wit's end.² Unless taxation and loaning, especially the first, go on briskly, notwithstanding all our successful efforts, we may be undone. We are now at the very pinch of the game, if I may so express myself. If we can but supply our army a few months, without further emissions of money, the game is our own. We then can at our leisure, and as may be most just and convenient, appretiate our currency; and thereby force the enemy to make peace with us, whose whole dependence now is that our army will disband for want of supplies, and that we shall sink under the load of multiplied emissions of Paper Bills. The motives to vigorous exertions are great and pressing. I hope the exertions of the several States will be proportionate.

We have nothing new.

I am with every Sentiment of respect,

Yr. Excellency's most obedt. Servant,
WM ELLERY.

694. WOODBURY LANGDON TO NATHANIEL PEABODY.¹

PORTSMO. Decem'r 21st: 1779

Dear S'r

I received your very agreeable favor of the 30th past for which am extremely obliged. am glad to hear that you have appointed Genl. Whipple to the Board of Admiralty and hope you will make choice of a suitable Person for the third Commissioner; I fancy Genl. Whipple will accept.²

[693]¹ R. I. Arch., Letters to the Governors, 1779-1780, p. 49; Harvard Univ. Lib., Sparks MSS., LIX. 249; Staples, *R. I. in Cont. Cong.*, p. 269.

² This sentence, as printed in Staples, reads, "Congress is at its wit's end". Throughout this collection of letters written by Rhode Island delegates the writers have been made to designate Congress in the singular number, whereas it was almost the invariable practice of members of Congress and others in that period to speak of Congress in the plural. Similar alterations have been observed in most of the texts of letters of the Revolutionary period which were printed in the decade following the Civil War.

[694]¹ Haverford College, Roberts Coll., 722.

² Whipple was nominated for the board of admiralty Nov. 15, but was not elected until Nov. 26. Cf. no. 672, *ante*. Langdon had obtained leave of absence Nov. 16, but Peabody states (letter to Weare Nov. 27, Force Trans.) that he left Philadelphia Nov. 22. He was the bearer of the letter of Nov. 19 from the Massachusetts delegates (see Samuel Adams's reply, *Writings*, IV. 167).

as to the anonymous Letter you mention I am very sure it cannot have represented *Matters* in a worse light than they are. If a certain Agent³ is removed which you mention is likely (and which must be done or we are ruined) the *Event* you mention will be agreeable, but this requires attention, application and address all which qualities I know you possess and can accomplish the business if you set about it tho' your new Colleague Genl. Folsom will oppose you all in his Power, but I think you can manage him. you will pardon me if I say that this Matter ought to be attended to and accomplished if possible immediately for *many reasons*. I mentioned to you in a former Letter that if the said Agent should be removed in that case I recommended a certain Gentleman to succeed him, but this was on a supposition that the appointment would be confined to Boston, but as you observe that it is not to be confined to any particular Place (which doubtless is very wisely judged) the *Event* you mention will be very agreeable if it can be accomplished, as I have already observ'd.

I recommended the same Gentleman to Mr. Mathews and Mr. Gerrey⁴ to succeed the Agent in case he was removed supposing the appointment would be confined as above. this circumstance you will please to put right with those Gentlemen if you find it necessary at a convenient time. . . .

695. JAMES LOVELL TO SAMUEL ADAMS.¹

Decr. 21 1779

Dear Sir

This day your Favours of Novr. 23d and Decr. 2d to me, and one of the latter Date to Mr. Gerry and me came to Hand.²

I am not a little pleased as well as honored by the Fullness of the Ballot which you mention. But you say nothing of a certain Resolve which is innuendoed in the following Letter.³

as to myself I cannot comprehend how the rotatory Term of 3 months is calculated; nor is it essential to know, because the Probability is great that I may be on the Road when he himself is. For you must know that upon finding Gov'eur⁴ was named and was solicitous to be with Doctr. F in the Place of Laurens who declines, I did not ensist upon my Name being struck off the List which Mr. Ellery had put it in Consequence of Mr. Mathews naming G'r.⁴ I, however am so averse to going that I named

³ Probably John Bradford, continental agent at Boston. See the *Journals*, Sept. 30, Oct. 8, 20, Dec. 2, 10. Peabody and Langdon appear particularly to have opposed the action of Sept. 30. Cf. Peabody to Langdon, Feb. 7, in the next volume of these *Letters*.

⁴ Gerry's connection with the matter is not clear. Mathews was a member of each of two committees to whom matters appertaining to Bradford were assigned (all members of those committees being also members of the marine committee), whereas Gerry was not a member of either of those committees, or of the marine committee.

[695]¹ N. Y. Pub. Lib., Samuel Adams Papers.

² The letter to Gerry and Lovell is in Adams's *Writings*, IV. 167 (see no. 656, note 2, *ante*); the others have not been found.

³ Lovell quotes a letter from John Hancock to the Massachusetts delegates, dated Dec. 2, stating that the Massachusetts assembly had chosen delegates to Congress, had adopted a resolve providing for rotation in attendance in periods of three months, and that he would come to Philadelphia the first week in January to begin his three months' service.

⁴ Gouverneur Morris.

Hamilton the Aid of G'l Washington and Mr. Plater named a Col. Stewart. The House may do as they please. I shall be satisfied all ways but one. I declared my Unwillingness to go if the House appeared to be unembarrassed about another.⁵ This is a Situation quite ineligible to me, but I have not been chusing I have been submitting to Situations for several years back. . . .

I will not say any Thing of the Wants of the Army at this severe Season. Affairs of the nature of Capt. McNeilles have multiplied Thompson and Saltonstall have made Applications,⁶ but painful as the Condition of Individuals may be we have mightier Claims in too great Number before us now to admit even of a Prophecy *when* the former will be considered. We want immediately four times more than all in the Treasury. We are dependent on the most strenuous Exertions of the States. I suspect Combinations of the speculating Kind against all our Expedients especially against that of our drawing Bills of Exchange. As to the Point of starving the army New York alone will prevent it if only She can be certain that the Accounts of the Supplies from different States will be put on a just Ratio. . . .

696. THOMAS BURKE TO JOSEPH REED.¹

PHILADELPHIA decr. 22d, 1779.

Sir

The difficulties under which our affairs are now laboring cannot have escaped the attention of General Reed, a Gentleman so eminently trusted and respected by his Country, and whose Vigilance and abilities in her service are so universally acknowledged and admired. Nor is it possible, but that his mind must have often been employed in search of remedies for Evils so pressing and alarming. The Ideas of such a mind may well be presumed to be important and a wish to call them out for public advantage will not, I hope, be deemed reprehensible. I wish for their assistance on our affair which now officially employs my attention, and I shall venture to request them without further apology.

The Quarter Master and Commissaries tell us that our Army will be in great distress for forage and provisions, and at the same time say that enough is within reach if money could be had to pay for them. under our present mode of Expenditure it is not possible to say, how much money will be sufficient for this or any other public purpose, and no Expedient can be fallen upon for obtaining a present supply without committing, or degrading the public Credit. Congress have, at length resolved to call on the states for specific quotas as well as quotas of money, but some time must elapse before this, I hope, radical remedy can be applied with full Effect. To make provision for that Interval is extremely Necessary and

⁵ See nos. 569, 581, 684, 685, 688, *ante*, also Lovell to Adams Feb. 16, 1780, in the next volume.

⁶ Concerning the cases of Captains Hector McNeill, Thomas Thompson, and Dudley Saltonstall, see the preceding volumes of these *Letters*, and the *Journals*, Jan. 15, Feb. 20, 1779 (McNeill), Oct. 21, 1779 (Thompson), and Dec. 1, 1779 (Saltonstall). [696]¹ New York Hist. Soc., MSS. of Joseph Reed, VI.

highly Important. our Immediate supplies of Forage and provisions must come from the states of Pennsylvania and Jersey, and perhaps Delewar New York and Connecticut. I am persuaded some Efforts might be made by the Magistrates of those states which might Extricate us from our present difficulties, and give time for the general Contributions to come in for our future and more regular relief. If such be practicable I doubt not it will be undertaken with alacrity, and Congress ought, and I doubt not will enter into the most liberal engagements to give Indemnification, and to make the burthen be equally born by the whole union. I request you sir to communicate to me your Id[e]as as well with respect to such Efforts as can be Immediately made by the other states in the Vicinage of the army as that over which you preside, and also as to the Engagements Congress ought to Enter into in return. My request is, as from an Individual to a Gentleman, in his private character, but one whose station and ability enable him to give satisfactory, and important advice and Effectual aid towards Executing measures which may be adopted in Consequence thereof.

I am sir With unfeined Esteem and respect;
your obdt. svt.

THOS. BURKE

697. ALLEN JONES TO THE GOVERNOR OF NORTH CAROLINA
(RICHARD CASWELL).¹

PHILADELPHIA, Decr. 23d, 1779.

Sir:

I take this opportunity of shewing you that I am not unmindful of my promise but that rather than be worse than my word I write tho I have nothing worth communicating. When I came here ² I found our money depretiated beyond Bounds and Congress taken up in finding out Ways and means to remedy the Evil. Before my arrival they had adopted the plan of recommending a Limatation of Prices to the Different States, a plan from which I do not promise myself much relief as I am apprehensive it will not be generally adopted.³ In the mean time they are busy in forming other Schemes of Finance, the foundations of which are Loans, both foreign and Domestic.⁴ From these Schemes likewise I fear nothing Advantageous will arise. We have found it dangerous from experience to tamper with our money, Every step hitherto taken to appretiate it, having had the contrary Effect. If we could check the Expenche in the Departments of the Commissary, and Quarter Masters, I believe it would be a radical cure and untill we do this, I shall think all other Schemes useless. In order to do this Congress seem determined to call on all the States for a certain part of their annual Quota of Continental Tax, in kind, to be

[697]¹ N. C. Hist. Comm., Caswell Papers; Harvard Univ. Lib., Sparks MSS., XXXVI. 510; N. C. State Recs., XIV. 238.

² Jones entered Congress Dec. 8.

³ See the *Journals*, Nov. 19, also nos. 642, 648, 654, 657, 689, *ante*, and no. 700, *post*.

⁴ See the *Journals* (index, Loans), and nos. 604, 636, 672, *ante*.

deposited in proper Magazines by such Officers and at such places as the Different States may think proper to direct. Upon the Success of this plan, our Salvation seems to me to depend, as by these means we should be able to do without a Set of men who have taken care to amass most princely fortunes, at the same time that they have loaded us with Debt and difficulties. I could descend to particulars on this Subject but it would carry me beyond the bounds of a Letter.⁵

Thus Sir I have endeavoured to give you an Idea of the present views of Congress, from which you will see that our Situation is critical as much depends on the measures we adopt. . . .

698. SAMUEL HOLTEN, DIARY.¹

[December 23, 24, 1779.]

23. I met the medical com't. Congress met early in the day.

24. Congress adjourned till Monday next, being Christmas tomorrow.²

699. NATHANIEL PEABODY TO JOSIAH BARTLETT.¹

PHILADA. 24th Decr. 1779

My Dear Sir

. . . . The expense of living here is intolerable, beyond Conception, and almost insupportable. Our Finances are in Such a Situation that policy forbids me to entertain you upon a Subject of So delicate and interesting a Nature unless I was Sure of a *Safe Conveyance* I shall make those Extracts and Collections that whenever I return home and Should those more have the happiness of Seeing my friends face to face, Shall be able to give a Tolerable account of proceedings etc.

I have not miss'd attending Congress but part of one day Since I came hither and what makes it very Difficult a Number of us Generally attend from one to two hours in the morning before we Can make a Congress, and then are obliged to *Set* till Near *Sunset* before we adjourn, and by the time we have dined and done a Little Committee business it is near honnest bed time, which prevents my giving you Some hints that I otherwise Should, which possibly might be done without much hazard under Types figures etc. pray Send me all the Laws that have passed Since I came out from among you.

P. S. if this is perfect nonsense pray excuse me upon the presumption that it is not a natural production!! I never wrote in more hast and have not read what I have wrote

⁵ See the *Journals*, Dec. 11, 17; cf. nos. 678, 682, *ante*.

[698]¹ *Essex Inst. Hist. Colls.*, LVI. 32.

² Under Dec. 25 he records: "Christmas day. I attended meeting at the Roman Catholic Chh. in the forenoon and at the Episcopal church in the afternoon. I heard a good sermon in the afternoon. But I do not know what I heard in the forenoon."

[699]¹ Dartmouth College Lib., Bartlett Corr., vol. II. ("No. 18").

700. ROGER SHERMAN TO THE GOVERNOR OF CONNECTICUT
(JONATHAN TRUMBULL).¹

PHILADELPHIA Decr. 28th 1779

Sir

Nothing remarkable has occurred here since my last, except the enclosed resolution of Congress for regulating the Post office, and discharging all express riders, which establishment had envolved the public in a very enormous expence. It is supposed that the Posts as now ordered to be regulated will answer for communicating Intelligence without employing expresses except on some extraordinary Occasions.²

The assemblies of New Jersey and Maryland have passed laws for regulating prices agreeable to the recommendation of Congress of the 19th Novr. last. Congress was led to this measure by an application from the Legislature of New Jersey, and the proceedings of the Convention of the five eastern States held at Hartford.³ It was the general understanding that Wheat was one dollar pr. Bushel in 1774 and other grain in proportion.

[P. S.]

701. THE PRESIDENT OF CONGRESS (SAMUEL HUNTINGTON) TO
NATHANAEL GREENE.¹

PHILADA Decr 29th 1779.

Major General Greene

Sir,

You will receive herewith enclos'd an act of Congress of the 27th instant for regulating the post Office, and to prevent the enormous expence of established express riders. It is the intention of Congress where the post riders are established on this regulation so as to convey the mail twice in every week in the post roads to and from the place where Congress is sitting that no expresses be kept in constant pay nor any Express employ'd except in particular Cases where necessity shall require. As the post roads are in the rout where most of the important despatches on public business will require to be convey'd, it is hoped that particular Expresses other than the post riders will seldom be found necessary.²

[700]¹ Mass. Hist. Soc., C 51-13, p. 251.

² See the *Journals*, Dec. 27, 28, and no. 701, *post*.

³ See no. 689, and note 4, *ante*.

[701]¹ Library of Congress, President's Letter-Book, p. 264.

² A letter of similar purport, transmitting the resolve of Dec. 28 as well as that of Dec. 27, was written on the same day to General Washington (Library of Congress, Letters to Washington). Cf. no. 700, *ante*.

702. THE PRESIDENT OF CONGRESS (SAMUEL HUNTINGTON) TO THE GOVERNOR OF NORTH CAROLINA (RICHARD CASWELL).¹

IN CONGRESS Decr. 30, 1779.

Sir

By order of Congress I have the honor of forwarding to you the enclosed important intelligence which is just come to hand.²

703. CYRUS GRIFFIN TO EPHRAIM BLAINE.¹

[December, 1779].

C. Griffin's Compliments to Colonel Blaine—would be exceedingly obliged to him to order one Barrel of Beef and one of pork to be made up in the best manner for the table use of C. G. he did not intend to have troubled the public officers in this way, and finding it impossible to maintain his house at the market prices without absolute destruction, solicited to return home, but the state not granting his request, he is obliged to have recourse to some few articles from the Continent. C. Griffin has also recd. from time to time a few Barrels of Flour, but so unlucky as never to get but one that was *good*, and which was intended for another Member of Congress. therefore if Colonel Blaine will also order one Barrel of the best flour and a few bushels of rye meal, he would take it a particular favor.

Wednesday.²

C. Griffin's Direction is third street, near Lombard street

C. G. is obliged to pay all market expences out of his own pocket, but whatever the Continent furnish the State of Virginia will reimburse, which makes a very great difference in so ruinous a place as Philadelphia. however C. G. does not mean to encroach at all upon the Provisions allotted to the real subsistence of the army, but would sooner spend every shilling of his own Fortune.

Colo. Blaine

Com. Gen. Purchases

[702]¹ Copied from the original, then in possession of Mr. W. R. Benjamin of New York; *N. C. State Recs.*, XIV. 240; *id.* to Md., Md. Hist. Soc., Red Book, VIII. 78.

² Huntington transmitted a copy of Washington's letter of Dec. 27, together with copies of letters from Maj. Henry Lee and General Wayne to Washington, giving intelligence of the sailing of the enemy's fleet from New York. Lee's letter (Dec. 26) is in *N. C. State Recs.*, XIV. 239. Washington's letter is endorsed as read Dec. 30, though recorded in the *Journals* as read Dec. 31, under which date also is recorded the order to transmit the intelligence to the governors of Maryland and Virginia. The governor of North Carolina is not included in the order.

[703]¹ Library of Congress, Blaine Papers.

² The letter is without other date, but is endorsed by Blaine as "December 1779".

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